

***In the Senate of the United States,***

*April 7 (legislative day, April 5), 2011.*

*Resolved*, That the bill from the House of Representatives (H.R. 658) entitled “An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“FAA Air Transportation Modernization and Safety Im-*  
4 *provement Act”.*

5       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
6 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amendments to title 49, United States Code.*

*Sec. 3. Effective date.*

## TITLE I—AUTHORIZATIONS

- Sec. 101. Operations.*
- Sec. 102. Air navigation facilities and equipment.*
- Sec. 103. Research and development.*
- Sec. 104. Airport planning and development and noise compatibility planning and programs.*
- Sec. 105. Other aviation programs.*
- Sec. 106. Delineation of Next Generation Air Transportation System projects.*
- Sec. 107. Funding for administrative expenses for airport programs.*

## TITLE II—AIRPORT IMPROVEMENTS

- Sec. 201. Reform of passenger facility charge authority.*
- Sec. 202. Passenger facility charge pilot program.*
- Sec. 203. Amendments to grant assurances.*
- Sec. 204. Government share of project costs.*
- Sec. 205. Amendments to allowable costs.*
- Sec. 206. Sale of private airport to public sponsor.*
- Sec. 207. Government share of certain air project costs.*
- Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.*
- Sec. 208. Miscellaneous amendments.*
- Sec. 209. State block grant program.*
- Sec. 210. Airport funding of special studies or reviews.*
- Sec. 211. Grant eligibility for assessment of flight procedures.*
- Sec. 212. Safety-critical airports.*
- Sec. 213. Environmental mitigation demonstration pilot program.*
- Sec. 214. Allowable project costs.*
- Sec. 215. Glycol recovery vehicles.*
- Sec. 216. Research improvement for aircraft.*
- Sec. 217. United States Territory minimum guarantee.*
- Sec. 218. Merrill Field Airport, Anchorage, Alaska.*
- Sec. 219. Release from restrictions.*
- Sec. 220. Designation of former military airports.*
- Sec. 221. Airport sustainability planning working group.*
- Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.*
- Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.*
- Sec. 224. Use of mineral revenue at certain airports.*

## TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

- Sec. 301. Air Traffic Control Modernization Oversight Board.*
- Sec. 302. NextGen management.*
- Sec. 303. Facilitation of next generation air traffic services.*
- Sec. 304. Clarification of authority to enter into reimbursable agreements.*
- Sec. 305. Clarification to acquisition reform authority.*
- Sec. 306. Assistance to other aviation authorities.*
- Sec. 307. Presidential rank award program.*
- Sec. 308. Next generation facilities needs assessment.*
- Sec. 309. Next generation air transportation system implementation office.*
- Sec. 310. Definition of air navigation facility.*
- Sec. 311. Improved management of property inventory.*

- Sec. 312. Educational requirements.*
- Sec. 313. FAA personnel management system.*
- Sec. 314. Acceleration of NextGen technologies.*
- Sec. 315. ADS-B development and implementation.*
- Sec. 316. Equipage incentives.*
- Sec. 317. Performance metrics.*
- Sec. 318. Certification standards and resources.*
- Sec. 319. Report on funding for NextGen technology.*
- Sec. 320. Unmanned aerial systems.*
- Sec. 321. Surface Systems Program Office.*
- Sec. 322. Stakeholder coordination.*
- Sec. 323. FAA task force on air traffic control facility conditions.*
- Sec. 324. State ADS-B equipage bank pilot program.*
- Sec. 325. Implementation of Inspector General ATC recommendations.*
- Sec. 326. Semiannual report on status of Greener Skies project.*
- Sec. 327. Definitions.*
- Sec. 328. Financial incentives for Nextgen Equipage.*

#### *TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS*

##### *SUBTITLE A—CONSUMER PROTECTION*

- Sec. 401. Airline customer service commitment.*
- Sec. 402. Publication of customer service data and flight delay history.*
- Sec. 403. Expansion of DOT airline consumer complaint investigations.*
- Sec. 404. Establishment of advisory committee for aviation consumer protection.*
- Sec. 405. Disclosure of passenger fees.*
- Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.*
- Sec. 407. Notification requirements with respect to the sale of airline tickets.*
- Sec. 408. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.*

##### *SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES*

- Sec. 411. EAS connectivity program.*
- Sec. 412. Extension of final order establishing mileage adjustment eligibility.*
- Sec. 413. EAS contract guidelines.*
- Sec. 414. Conversion of former EAS airports.*
- Sec. 415. EAS reform.*
- Sec. 416. Small community air service.*
- Sec. 417. EAS marketing.*
- Sec. 418. Rural aviation improvement.*
- Sec. 419. Repeal of essential air service local participation program.*
- Sec. 420. Limitation on essential air service to locations that are 90 or more miles away from the nearest medium or large hub airport.*
- Sec. 421. Limitation on essential air service to locations that average 10 or more enplanements per day.*

##### *SUBTITLE C—MISCELLANEOUS*

- Sec. 431. Clarification of air carrier fee disputes.*
- Sec. 432. Contract tower program.*
- Sec. 433. Airfares for members of the Armed Forces.*

*Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.*

#### *TITLE V—SAFETY*

##### *SUBTITLE A—AVIATION SAFETY*

*Sec. 501. Runway safety equipment plan.*  
*Sec. 502. Judicial review of denial of airman certificates.*  
*Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.*  
*Sec. 504. Design organization certificates.*  
*Sec. 505. FAA access to criminal history records or database systems.*  
*Sec. 506. Pilot fatigue.*  
*Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.*  
*Sec. 508. Cabin crew communication.*  
*Sec. 509. Clarification of memorandum of understanding with OSHA.*  
*Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.*  
*Sec. 511. Improved safety information.*  
*Sec. 512. Voluntary disclosure reporting process improvements.*  
*Sec. 513. Procedural improvements for inspections.*  
*Sec. 514. Independent review of safety issues.*  
*Sec. 515. National review team.*  
*Sec. 516. FAA Academy improvements.*  
*Sec. 517. Reduction of runway incursions and operational errors.*  
*Sec. 518. Aviation safety whistleblower investigation office.*  
*Sec. 519. Modification of customer service initiative.*  
*Sec. 520. Headquarters review of air transportation oversight system database.*  
*Sec. 521. Inspection of foreign repair stations.*  
*Sec. 522. Non-certificated maintenance providers.*  
*Sec. 523. Use of explosive pest control devices.*

##### *SUBTITLE B—FLIGHT SAFETY*

*Sec. 551. FAA pilot records database.*  
*Sec. 552. Air carrier safety management systems.*  
*Sec. 553. Secretary of Transportation responses to safety recommendations.*  
*Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.*  
*Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.*  
*Sec. 556. Flightcrew member mentoring, professional development, and leadership.*  
*Sec. 557. Flightcrew member screening and qualifications.*  
*Sec. 558. Prohibition on personal use of certain devices on flight deck.*  
*Sec. 559. Safety inspections of regional air carriers.*  
*Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.*  
*Sec. 561. Oversight of pilot training schools.*  
*Sec. 562. Enhanced training for flight attendants and gate agents.*  
*Sec. 563. Definitions.*  
*Sec. 564. Study of air quality in aircraft cabins.*

## TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.*
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.*
- Sec. 603. Production of alternative fuel technology for civilian aircraft.*
- Sec. 604. Production of clean coal fuel technology for civilian aircraft.*
- Sec. 605. Research program to improve airfield pavements.*
- Sec. 606. Wake turbulence, volcanic ash, and weather research.*
- Sec. 607. Incorporation of unmanned aircraft systems into FAA plans and policies.*
- Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.*
- Sec. 609. Pilot program for zero emission airport vehicles.*
- Sec. 610. Reduction of emissions from airport power sources.*
- Sec. 611. Siting of windfarms near FAA navigational aides and other assets.*
- Sec. 612. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.*

## TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.*
- Sec. 702. Human intervention management study.*
- Sec. 703. Airport program modifications.*
- Sec. 704. Miscellaneous program extensions.*
- Sec. 705. Extension of competitive access reports.*
- Sec. 706. Update on overflights.*
- Sec. 707. Technical corrections.*
- Sec. 708. FAA technical training and staffing.*
- Sec. 709. Commercial air tour operators in national parks.*
- Sec. 710. Phaseout of Stage 1 and 2 aircraft.*
- Sec. 711. Weight restrictions at Teterboro Airport.*
- Sec. 712. Pilot program for redevelopment of airport properties.*
- Sec. 713. Transporting musical instruments.*
- Sec. 714. Recycling plans for airports.*
- Sec. 715. Disadvantaged Business Enterprise Program adjustments.*
- Sec. 716. Front line manager staffing.*
- Sec. 717. Study of helicopter and fixed wing air ambulance services.*
- Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.*
- Sec. 719. Study of aeronautical mobile telemetry.*
- Sec. 720. Flightcrew member pairing and crew resource management techniques.*
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.*
- Sec. 722. Line check evaluations.*
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.*
- Sec. 724. Priority review of construction projects in cold weather States.*
- Sec. 725. Air-rail codeshare study.*
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.*
- Sec. 727. Study on aviation fuel prices.*
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.*
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.*
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.*
- Sec. 731. Technical correction.*

- Sec. 732. Plan for flying scientific instruments on commercial flights.*  
*Sec. 733. Prohibition against aiming a laser pointer at an aircraft.*  
*Sec. 734. Criminal penalty for unauthorized recording or distribution of security screening images.*  
*Sec. 735. Approval of applications for the security screening opt-out program.*  
*Sec. 736. Conveyance of land to city of Mesquite, Nevada.*  
*Sec. 737. Ronald Reagan Washington National Airport Slots.*  
*Sec. 738. Orphan Earmarks Act.*  
*Sec. 739. Privacy protections for aircraft passenger screening with advanced imaging technology.*  
*Sec. 740. Controlling helicopter noise pollution in residential areas.*

***TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND  
RELATED TAXES***

- Sec. 800. Amendment of 1986 code.*  
*Sec. 801. Extension of taxes funding airport and airway trust fund.*  
*Sec. 802. Extension of airport and airway trust fund expenditure authority.*  
*Sec. 803. Modification of excise tax on kerosene used in aviation.*  
*Sec. 804. Air traffic control system modernization account.*  
*Sec. 805. Treatment of fractional aircraft ownership programs.*  
*Sec. 806. Termination of exemption for small jet aircraft on nonestablished lines.*  
*Sec. 807. Transparency in passenger tax disclosures.*  
*Sec. 808. Tax-exempt bond financing for fixed-wing emergency medical aircraft.*  
*Sec. 809. Protection of Airport and Airway Trust Fund solvency.*  
*Sec. 810. Rollover of amounts received in airline carrier bankruptcy.*  
*Sec. 811. Application of levy to payments to Federal vendors relating to property.*  
*Sec. 812. Modification of control definition for purposes of section 249.*

***TITLE IX—BUDGETARY EFFECTS***

- Sec. 901. Budgetary effects.*

***TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS  
AND GENERAL REPORTING REQUIREMENT***

- Sec. 1001. Definition.*  
*Sec. 1002. Rescission.*  
*Sec. 1003. Agency wide identification and reports.*

***TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING  
REQUIREMENTS***

- Sec. 1101. Repeal of expansion of information reporting requirements.*

***TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION  
AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS***

***Subtitle A—Emergency Medical Service Providers Protection***

- Sec. 1201. Dale Long Emergency Medical Service Providers Protection Act.*

***Subtitle B—Liability Protection***

- Sec. 1211. Short title.*  
*Sec. 1212. Findings and purpose.*  
*Sec. 1213. Liability protection for volunteer pilots that fly for public benefit.*

1 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or a repeal of, a section or other provi-*  
 5 *sion, the reference shall be considered to be made to a section*  
 6 *or other provision of title 49, United States Code.*

7 **SEC. 3. EFFECTIVE DATE.**

8 *Except as otherwise expressly provided, this Act and*  
 9 *the amendments made by this Act shall take effect on the*  
 10 *date of enactment of this Act.*

11 **TITLE I—AUTHORIZATIONS**

12 **SEC. 101. OPERATIONS.**

13 *Section 106(k)(1) is amended by striking subpara-*  
 14 *graphs (A) through (E) and inserting the following:*

15 *“(A) \$9,336,000,000 for fiscal year 2010;*

16 *and*

17 *“(B) \$9,620,000,000 for fiscal year 2011.”.*

18 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

19 *Section 48101(a) is amended by striking paragraphs*  
 20 *(1) through (5) and inserting the following:*

21 *“(1) \$3,500,000,000 for fiscal year 2010, of*  
 22 *which \$500,000,000 is derived from the Air Traffic*  
 23 *Control System Modernization Account of the Airport*  
 24 *and Airways Trust Fund; and*

25 *“(2) \$3,600,000,000 for fiscal year 2011, of*  
 26 *which \$500,000,000 is derived from the Air Traffic*

1        *Control System Modernization Account of the Airport*  
 2        *and Airways Trust Fund.”.*

3    **SEC. 103. RESEARCH AND DEVELOPMENT.**

4        *Section 48102 is amended—*

5            *(1) by striking subsection (a) and inserting the*  
 6        *following:*

7            *“(a) IN GENERAL.—Not more than the following*  
 8        *amounts may be appropriated to the Secretary of Transpor-*  
 9        *tation out of the Airport and Airway Trust Fund estab-*  
 10       *lished under section 9502 of the Internal Revenue Code of*  
 11       *1986 (26 U.S.C. 9502) for conducting civil aviation re-*  
 12       *search and development under sections 44504, 44505,*  
 13       *44507, 44509, and 44511 through 44513 of this title:*

14            *“(1) \$200,000,000 for fiscal year 2010.*

15            *“(2) \$206,000,000 for fiscal year 2011.”;*

16            *(2) by striking subsections (c) through (h); and*

17            *(3) by adding at the end the following:*

18            *“(c) RESEARCH GRANTS PROGRAM INVOLVING UN-*  
 19        *DERGRADUATE STUDENTS.—The Administrator of the Fed-*  
 20        *eral Aviation Administration shall establish a program to*  
 21        *utilize undergraduate and technical colleges, including His-*  
 22        *torically Black Colleges and Universities, Hispanic Serving*  
 23        *Institutions, tribally controlled colleges and universities,*  
 24        *and Alaska Native and Native Hawaiian serving institu-*  
 25        *tions in research on subjects of relevance to the Federal*



1 *Aviation Administration. Grants may be awarded under*  
2 *this subsection for—*

3           “(1) *research projects to be carried out at pri-*  
4 *marily undergraduate institutions and technical col-*  
5 *leges;*

6           “(2) *research projects that combine research at*  
7 *primarily undergraduate institutions and technical*  
8 *colleges with other research supported by the Federal*  
9 *Aviation Administration;*

10          “(3) *research on future training requirements on*  
11 *projected changes in regulatory requirements for air-*  
12 *craft maintenance and power plant licensees; or*

13          “(4) *research on the impact of new technologies*  
14 *and procedures, particularly those related to aircraft*  
15 *flight deck and air traffic management functions, and*  
16 *on training requirements for pilots and air traffic*  
17 *controllers.”.*

18 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
19 **NOISE COMPATIBILITY PLANNING AND PRO-**  
20 **GRAMS.**

21 *Section 48103 is amended by striking paragraphs (1)*  
22 *through (6) and inserting the following:*

23           “(1) *\$4,000,000,000 for fiscal year 2010; and*

24           “(2) *\$4,100,000,000 for fiscal year 2011.”.*

1 **SEC. 105. OTHER AVIATION PROGRAMS.**

2 *Section 48114 is amended—*

3 *(1) by striking “2007” in subsection (a)(1)(A)*  
4 *and inserting “2011”;*

5 *(2) by striking “2007,” in subsection (a)(2) and*  
6 *inserting “2011,”; and*

7 *(3) by striking “2007” in subsection (c)(2) and*  
8 *inserting “2011”.*

9 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
10 **PORTATION SYSTEM PROJECTS.**

11 *Section 44501(b) is amended—*

12 *(1) by striking “and” after the semicolon in*  
13 *paragraph (3);*

14 *(2) by striking “defense.” in paragraph (4) and*  
15 *inserting “defense; and”; and*

16 *(3) by adding at the end thereof the following:*

17 *“(5) a list of projects that are part of the Next*  
18 *Generation Air Transportation System and do not*  
19 *have as a primary purpose to operate or maintain*  
20 *the current air traffic control system.”.*

21 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
22 **AIRPORT PROGRAMS.**

23 *(a) IN GENERAL.—Section 48105 is amended to read*  
24 *as follows:*

1 **“§ 48105. Airport programs administrative expenses**

2       *“Of the amount made available under section 48103*  
 3 *of this title, the following may be available for administra-*  
 4 *tive expenses relating to the Airport Improvement Program,*  
 5 *passenger facility charge approval and oversight, national*  
 6 *airport system planning, airport standards development*  
 7 *and enforcement, airport certification, airport-related envi-*  
 8 *ronmental activities (including legal services), and other*  
 9 *airport-related activities (including airport technology re-*  
 10 *search), to remain available until expended—*

11               *“(1) for fiscal year 2010, \$94,000,000; and*

12               *“(2) for fiscal year 2011, \$98,000,000.”.*

13       **(b) CONFORMING AMENDMENT.**—*The table of contents*  
 14 *for chapter 481 is amended by striking the item relating*  
 15 *to section 48105 and inserting the following:*

*“48105. Airport programs administrative expenses”.*

16       **(c) PASSENGER ENPLANEMENT REPORT.**—

17               **(1) IN GENERAL.**—*The Administrator of the Fed-*  
 18 *eral Aviation Administration shall prepare a report*  
 19 *on every airport in the United States that reported*  
 20 *between 10,000 and 15,000 passenger enplanements*  
 21 *during each of the 2 most recent years for which such*  
 22 *data is available.*

23               **(2) REPORT OBJECTIVES.**—*In carrying out the*  
 24 *report under paragraph (1), the Administrator shall*  
 25 *document the methods used by each subject airport to*

1 reach the 10,000 passenger enplanement threshold, in-  
2 cluding whether airports subsidize commercial flights  
3 to reach such threshold.

4 (3) *REVIEW.*—The Inspector General of the De-  
5 partment of Transportation shall review the process of  
6 the Administrator in developing the report under  
7 paragraph (1).

8 (4) *REPORT.*—The Administrator shall submit  
9 the report prepared under paragraph (1) to Congress  
10 and the Secretary of Transportation.

## 11 ***TITLE II—AIRPORT*** 12 ***IMPROVEMENTS***

### 13 ***SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-*** 14 ***THORITY.***

15 (a) *PASSENGER FACILITY CHARGE STREAMLINING.*—  
16 Section 40117(c) is amended to read as follows:

17 “(c) *PROCEDURAL REQUIREMENTS FOR IMPOSITION*  
18 *OF PASSENGER FACILITY CHARGE.*—

19 “(1) *IN GENERAL.*—An eligible agency must sub-  
20 mit to those air carriers and foreign air carriers op-  
21 erating at the airport with a significant business in-  
22 terest, as defined in paragraph (3), and to the Sec-  
23 retary and make available to the public annually a  
24 report, in the form required by the Secretary, on the

1       *status of the eligible agency’s passenger facility charge*  
2       *program, including—*

3               “(A) *the total amount of program revenue*  
4               *held by the agency at the beginning of the 12*  
5               *months covered by the report;*

6               “(B) *the total amount of program revenue*  
7               *collected by the agency during the period covered*  
8               *by the report;*

9               “(C) *the amount of expenditures with pro-*  
10              *gram revenue made by the agency on each eligi-*  
11              *ble airport-related project during the period cov-*  
12              *ered by the report;*

13              “(D) *each airport-related project for which*  
14              *the agency plans to collect and use program rev-*  
15              *enue during the next 12-month period covered by*  
16              *the report, including the amount of revenue pro-*  
17              *jected to be used for such project;*

18              “(E) *the level of program revenue the agen-*  
19              *cy plans to collect during the next 12-month pe-*  
20              *riod covered by the report;*

21              “(F) *a description of the notice and con-*  
22              *sultation process with air carriers and foreign*  
23              *air carriers under paragraph (3), and with the*  
24              *public under paragraph (4), including a copy of*

1           *any adverse comments received and how the*  
2           *agency responded; and*

3           “(G) *any other information on the program*  
4           *that the Secretary may require.*

5           “(2) *IMPLEMENTATION.—Subject to the require-*  
6           *ments of paragraphs (3), (4), (5), and (6), the eligible*  
7           *agency may implement the planned collection and use*  
8           *of passenger facility charges in accordance with its*  
9           *report upon filing the report as required in para-*  
10          *graph (1).*

11          “(3) *CONSULTATION WITH CARRIERS FOR NEW*  
12          *PROJECTS.—*

13               “(A) *An eligible agency proposing to collect*  
14               *or use passenger facility charge revenue for a*  
15               *project not previously approved by the Secretary*  
16               *or not included in a report required by para-*  
17               *graph (1) that was submitted in a prior year*  
18               *shall provide to air carriers and foreign air car-*  
19               *riers operating at the airport reasonable notice,*  
20               *and an opportunity to comment on the planned*  
21               *collection and use of program revenue before pro-*  
22               *viding the report required under paragraph (1).*  
23               *The Secretary shall prescribe by regulation what*  
24               *constitutes reasonable notice under this para-*  
25               *graph, which shall at a minimum include—*

1           “(i) that the eligible agency provide to  
2           air carriers and foreign air carriers oper-  
3           ating at the airport written notice of the  
4           planned collection and use of passenger fa-  
5           cility charge revenue;

6           “(ii) that the notice include a full de-  
7           scription and justification for a proposed  
8           project;

9           “(iii) that the notice include a detailed  
10          financial plan for the proposed project; and

11          “(iv) that the notice include the pro-  
12          posed level for the passenger facility charge.

13          “(B) An eligible agency providing notice  
14          and an opportunity for comment shall be deemed  
15          to have satisfied the requirements of this para-  
16          graph if the eligible agency provides such notice  
17          to air carriers and foreign air carriers that have  
18          a significant business interest at the airport. For  
19          purposes of this subparagraph, the term ‘signifi-  
20          cant business interest’ means an air carrier or  
21          foreign air carrier that—

22               “(i) had not less than 1.0 percent of  
23               passenger boardings at the airport in the  
24               prior calendar year;

1           “(ii) had at least 25,000 passenger  
2           boardings at the airport in the prior cal-  
3           endar year; or

4           “(iii) provides scheduled service at the  
5           airport.

6           “(C) Not later than 45 days after written  
7           notice is provided under subparagraph (A), each  
8           air carrier and foreign air carrier may provide  
9           written comments to the eligible agency indi-  
10          cating its agreement or disagreement with the  
11          project or, if applicable, the proposed level for a  
12          passenger facility charge.

13          “(D) The eligible agency may include, as  
14          part of the notice and comment process, a con-  
15          sultation meeting to discuss the proposed project  
16          or, if applicable, the proposed level for a pas-  
17          senger facility charge. If the agency provides a  
18          consultation meeting, the written comments spec-  
19          ified in subparagraph (C) shall be due not later  
20          than 30 days after the meeting.

21          “(4) PUBLIC NOTICE AND COMMENT.—

22          “(A) An eligible agency proposing to collect  
23          or use passenger facility charge revenue for a  
24          project not previously approved by the Secretary  
25          or not included in a report required by para-



1       *graph (1) that was filed in a prior year shall*  
2       *provide reasonable notice and an opportunity for*  
3       *public comment on the planned collection and*  
4       *use of program revenue before providing the re-*  
5       *port required in paragraph (1).*

6               *“(B) The Secretary shall prescribe by regu-*  
7       *lation what constitutes reasonable notice under*  
8       *this paragraph, which shall at a minimum re-*  
9       *quire—*

10               *“(i) that the eligible agency provide*  
11       *public notice of intent to collect a passenger*  
12       *facility charge so as to inform those inter-*  
13       *ested persons and agencies that may be af-*  
14       *ected;*

15               *“(ii) appropriate methods of publica-*  
16       *tion, which may include notice in local*  
17       *newspapers of general circulation or other*  
18       *local media, or posting of the notice on the*  
19       *agency’s Internet website; and*

20               *“(iii) submission of public comments*  
21       *no later than 45 days after the date of the*  
22       *publication of the notice.*

23       *“(5) OBJECTIONS.—*

24               *“(A) Any interested person may file with*  
25       *the Secretary a written objection to a proposed*

1        *project included in a notice under this para-*  
2        *graph provided that the filing is made within 30*  
3        *days after submission of the report specified in*  
4        *paragraph (1).*

5                *“(B) The Secretary shall provide not less*  
6        *than 30 days for the eligible agency to respond*  
7        *to any filed objection.*

8                *“(C) Not later than 90 days after receiving*  
9        *the eligible agency’s response to a filed objection,*  
10        *the Secretary shall make a determination wheth-*  
11        *er or not to terminate authority to collect the*  
12        *passenger facility charge for the project, based on*  
13        *the filed objection. The Secretary shall state the*  
14        *reasons for any determination. The Secretary*  
15        *may only terminate authority if—*

16                *“(i) the project is not an eligible air-*  
17        *port related project;*

18                *“(ii) the eligible agency has not com-*  
19        *plied with the requirements of this section*  
20        *or the Secretary’s implementing regulations*  
21        *in proposing the project;*

22                *“(iii) the eligible agency has been*  
23        *found to be in violation of section 47107(b)*  
24        *of this title and has failed to take corrective*  
25        *action, prior to the filing of the objection; or*

1                   “(iv) in the case of a proposed increase  
2                   in the passenger facility charge level, the  
3                   level is not authorized by this section.

4                   “(D) Upon issuance of a decision termi-  
5                   nating authority, the public agency shall prepare  
6                   an accounting of passenger facility revenue col-  
7                   lected under the terminated authority and restore  
8                   the funds for use on other authorized projects.

9                   “(E) Except as provided in subparagraph  
10                  (C), the eligible agency may implement the  
11                  planned collection and use of a passenger facility  
12                  charge in accordance with its report upon filing  
13                  the report as specified in paragraph (1)(A).

14                  “(6) APPROVAL REQUIREMENT FOR INCREASED  
15                  PASSENGER FACILITY CHARGE OR INTERMODAL  
16                  GROUND ACCESS PROJECT.—

17                  “(A) An eligible agency may not collect or  
18                  use a passenger facility charge to finance an  
19                  intermodal ground access project, or increase a  
20                  passenger facility charge, unless the project is  
21                  first approved by the Secretary in accordance  
22                  with this paragraph.

23                  “(B) The eligible agency may submit to the  
24                  Secretary an application for authority to impose  
25                  a passenger facility charge for an intermodal

1        *ground access project or to increase a passenger*  
2        *facility charge. The application shall contain in-*  
3        *formation and be in the form that the Secretary*  
4        *may require by regulation but, at a minimum,*  
5        *must include copies of any comments received by*  
6        *the agency during the comment period described*  
7        *by subparagraph (C).*

8            *“(C) Before submitting an application*  
9        *under this paragraph, an eligible agency must*  
10       *provide air carriers and foreign air carriers op-*  
11       *erating at the airport, and the public, reasonable*  
12       *notice of and an opportunity to comment on a*  
13       *proposed intermodal ground access project or the*  
14       *increased passenger facility charge. Such notice*  
15       *and opportunity to comment shall conform to the*  
16       *requirements of paragraphs (3) and (4).*

17           *“(D) After receiving an application, the*  
18        *Secretary may provide air carriers, foreign air*  
19        *carriers and other interested persons notice and*  
20        *an opportunity to comment on the application.*  
21        *The Secretary shall make a final decision on the*  
22        *application not later than 120 days after receiv-*  
23        *ing it.”.*

24        *(b) CONFORMING AMENDMENTS.—*

25           *(1) REFERENCES.—*

1 (A) Section 40117(a) is amended—

2 (i) by striking “FEE” in the heading  
3 for paragraph (5) and inserting “CHARGE”;  
4 and

5 (ii) by striking “fee” each place it ap-  
6 pears in paragraphs (5) and (6) and insert-  
7 ing “charge”.

8 (B) Subsections (b), and subsections (d)  
9 through (m), of section 40117 are amended—

10 (i) by striking “fee” or “fees” each  
11 place either appears and inserting “charge”  
12 or “charges”, respectively; and

13 (ii) by striking “FEE” in the sub-  
14 section caption for subsection (l), and  
15 “FEES” in the subsection captions for sub-  
16 sections (e) and (m), and inserting  
17 “CHARGE” and “CHARGES”, respectively.

18 (C) The caption for section 40117 is amend-  
19 ed to read as follows:

20 **“§ 40117. Passenger facility charges”.**

21 (D) The table of contents for chapter 401 is  
22 amended by striking the item relating to section  
23 40117 and inserting the following:

“40117. Passenger facility charges”.

24 (2) LIMITATIONS ON APPROVING APPLICA-  
25 TIONS.—Section 40117(d) is amended—

(A) by striking “subsection (c) of this section to finance a specific” and inserting “subsection (c)(6) of this section to finance an intermodal ground access”;

(B) by striking “specific” in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

“(2) the project is an eligible airport-related project; and”;

(D) by striking “each of the specific projects; and” in paragraph (3) and inserting “the project.”; and

(E) by striking paragraph (4).

(3) *LIMITATIONS ON IMPOSING CHARGES.*—Section 40117(e)(1) is amended to read as follows: “(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.”.

(4) *LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.*—Section 40117(f)(2) is amended by striking “long-term”.

(5) *COMPLIANCE.*—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

1                   (B) by inserting after paragraph (2) the fol-  
2                   lowing:

3           “(3) The Secretary may, on complaint of an interested  
4 person or on the Secretary’s own initiative, conduct an in-  
5 vestigation into an eligible agency’s collection and use of  
6 passenger facility charge revenue to determine whether a  
7 passenger facility charge is excessive or that passenger facil-  
8 ity revenue is not being used as provided in this section.  
9 The Secretary shall prescribe regulations establishing proce-  
10 dures for complaints and investigations. The regulations  
11 may provide for the issuance of a final agency decision  
12 without resort to an oral evidentiary hearing. The Secretary  
13 shall not accept complaints filed under this paragraph until  
14 after the issuance of regulations establishing complaint pro-  
15 cedures.”.

16           (6) PILOT PROGRAM FOR PFC AT NONHUB AIR-  
17 PORTS.—Section 40117(l) is amended—

18                   (A) by striking “(c)(2)” in paragraph (2)  
19                   and inserting “(c)(3)”; and

20                   (B) by striking “October 1, 2009.” in para-  
21                   graph (7) and inserting “the date of issuance of  
22                   regulations to carry out subsection (c) of this sec-  
23                   tion, as amended by the FAA Air Transpor-  
24                   tation Modernization and Safety Improvement  
25                   Act.”.

1           (7) *PROHIBITION ON APPROVING PFC APPLICA-*  
 2           *TIONS FOR AIRPORT REVENUE DIVERSION.*—Section  
 3           47111(e) is amended by striking “sponsor” the second  
 4           place it appears in the first sentence and all that fol-  
 5           lows and inserting “sponsor. A sponsor shall not pro-  
 6           pose collection or use of passenger facility charges for  
 7           any new projects under paragraphs (3) through (6) of  
 8           section 40117(c) unless the Secretary determines that  
 9           the sponsor has taken corrective action to address the  
 10          violation and the violation no longer exists.”.

11 **SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.**

12          (a) *IN GENERAL.*—Section 40117 is amended by add-  
 13          ing at the end thereof the following:

14          “(n) *ALTERNATIVE PASSENGER FACILITY CHARGE*  
 15          *COLLECTION PILOT PROGRAM.*—

16               “(1) *IN GENERAL.*—The Secretary shall establish  
 17          and conduct a pilot program at not more than 6 air-  
 18          ports under which an eligible agency may impose a  
 19          passenger facility charge under this section without  
 20          regard to the dollar amount limitations set forth in  
 21          paragraph (1) or (4) of subsection (b) if the partici-  
 22          pating eligible agency meets the requirements of para-  
 23          graph (2).

24               “(2) *COLLECTION REQUIREMENTS.*—



1           “(A) *DIRECT COLLECTION.*—An eligible  
2           agency participating in the pilot program—

3                   “(i) may collect the charge from the  
4                   passenger at the facility, via the Internet, or  
5                   in any other reasonable manner; but

6                   “(ii) may not require or permit the  
7                   charge to be collected by an air carrier or  
8                   foreign air carrier for the flight segment.

9           “(B) *PFC COLLECTION REQUIREMENT NOT*  
10           *TO APPLY.*—Subpart C of part 158 of title 14,  
11           *Code of Federal Regulations*, does not apply to  
12           the collection of the passenger facility charge im-  
13           posed by an eligible agency participating in the  
14           pilot program.”.

15       (b) *GAO STUDY OF ALTERNATIVE MEANS OF COL-*  
16       *LECTING PFCs.*—

17           (1) *IN GENERAL.*—The Comptroller General shall  
18           conduct a study of alternative means of collection  
19           passenger facility charges imposed under section  
20           40117 of title 49, United States Code, that would per-  
21           mit such charges to be collected without being in-  
22           cluded in the ticket price. In the study, the Comp-  
23           troller General shall consider, at a minimum—

24                   (A) collection options for arriving, con-  
25                   necting, and departing passengers at airports;

1           (B) cost sharing or fee allocation methods  
 2           based on passenger travel to address connecting  
 3           traffic; and

4           (C) examples of airport fees collected by do-  
 5           mestic and international airports that are not  
 6           included in ticket prices.

7           (2) *REPORT.*—No later than 1 year after the  
 8           date of enactment of this Act, the Comptroller General  
 9           shall submit a report on the study to the Senate Com-  
 10          mittee on Commerce, Science, and Transportation  
 11          and the House of Representatives Committee on  
 12          Transportation and Infrastructure containing the  
 13          Comptroller General’s findings, conclusions, and rec-  
 14          ommendations.

15 **SEC. 203. AMENDMENTS TO GRANT ASSURANCES.**

16       Section 47107 is amended—

17           (1) by striking “made;” in subsection  
 18           (a)(16)(D)(ii) and inserting “made, except that, if  
 19           there is a change in airport design standards that the  
 20           Secretary determines is beyond the owner or opera-  
 21           tor’s control that requires the relocation or replace-  
 22           ment of an existing airport facility, the Secretary,  
 23           upon the request of the owner or operator, may grant  
 24           funds available under section 47114 to pay the cost  
 25           of relocating or replacing such facility;”;

1           (2) in subsection (c)—

2                   (A) in paragraph (2)—

3                           (i) in subparagraph (A)(i), by striking  
4                   “purpose;” and inserting the following:  
5                   “purpose, which includes serving as noise  
6                   buffer land that may be—

7                               “(I) undeveloped; or

8                               “(II) developed in a way that is com-  
9                   patible with using the land for noise  
10                  buffering purposes;”; and

11                           (ii) in subparagraph (B)(iii), by strik-  
12                  ing “paid to the Secretary for deposit in the  
13                  Fund if another eligible project does not  
14                  exist.” and inserting “reinvested in another  
15                  project at the airport or transferred to an-  
16                  other airport as the Secretary prescribes.”;

17                   (B) by redesignating paragraph (3) as  
18                  paragraph (5); and

19                   (C) by inserting after paragraph (2) the fol-  
20                  lowing:

21                  “(3)(A) A lease by an airport owner or operator of  
22                  land acquired for a noise compatibility purpose using a  
23                  grant provided under this subchapter shall not be consid-  
24                  ered a disposal for purposes of paragraph (2).

1       “(B) *The airport owner or operator may use revenues*  
2 *from a lease described in subparagraph (A) for capital pur-*  
3 *poses.*

4       “(C) *The Administrator of the Federal Aviation Ad-*  
5 *ministration shall coordinate with each airport owner or*  
6 *operator to ensure that leases described in subparagraph*  
7 *(A) are consistent with noise buffering purposes.*

8       “(D) *The provisions of this paragraph apply to all*  
9 *land acquired before, on, or after the date of the enactment*  
10 *of this paragraph.*

11       “(4) *In approving the reinvestment or transfer of pro-*  
12 *ceeds under paragraph (2)(C)(iii), the Secretary shall give*  
13 *preference, in descending order, to—*

14               “(i) *reinvestment in an approved noise compat-*  
15 *ibility project;*

16               “(ii) *reinvestment in an approved project that is*  
17 *eligible for funding under section 47117(e);*

18               “(iii) *reinvestment in an airport development*  
19 *project that is eligible for funding under section*  
20 *47114, 47115, or 47117 and meets the requirements*  
21 *of this chapter;*

22               “(iv) *transfer to the sponsor of another public*  
23 *airport to be reinvested in an approved noise compat-*  
24 *ibility project at such airport; and*

1           “(v) payment to the Secretary for deposit in the  
 2       Airport and Airway Trust Fund established under  
 3       section 9502 of the Internal Revenue Code of 1986 (26  
 4       U.S.C. 9502).”.

5   **SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.**

6       (a) *FEDERAL SHARE*.—Section 47109 is amended—

7           (1) by striking “subsection (b) or subsection (c)”  
 8       in subsection (a) and inserting “subsection (b), (c), or  
 9       (e)”; and

10          (2) by adding at the end the following:

11       “(e) *SPECIAL RULE FOR TRANSITION FROM SMALL*  
 12       *HUB TO MEDIUM HUB STATUS*.—If the status of a small  
 13       hub primary airport changes to a medium hub primary  
 14       airport, the United States Government’s share of allowable  
 15       project costs for the airport may not exceed 95 percent for  
 16       2 fiscal years following such change in hub status.”.

17       (b)       *TRANSITIONING AIRPORTS*.—Section  
 18       47114(f)(3)(B) is amended by striking “year 2004.” and  
 19       inserting “years 2010 and 2011.”.

20   **SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.**

21       Section 47110 is amended—

22           (1) by striking subsection (d) and inserting the  
 23       following:

24       “(d) *RELOCATION OF AIRPORT-OWNED FACILITIES*.—  
 25       The Secretary may determine that the costs of relocating

1 or replacing an airport-owned facility are allowable for an  
2 airport development project at an airport only if—

3 “(1) the Government’s share of such costs is paid  
4 with funds apportioned to the airport sponsor under  
5 sections 47114(c)(1) or 47114(d)(2);

6 “(2) the Secretary determines that the relocation  
7 or replacement is required due to a change in the Sec-  
8 retary’s design standards; and

9 “(3) the Secretary determines that the change is  
10 beyond the control of the airport sponsor.”;

11 (2) by striking “facilities, including fuel farms  
12 and hangars,” in subsection (h) and inserting “facili-  
13 ties, as defined by section 47102,”; and

14 (3) by adding at the end the following:

15 “(i) *BIRD-DETECTING RADAR SYSTEMS.*—Within 180  
16 days after the date of enactment of the *FAA Air Transpor-*  
17 *tation Modernization and Safety Improvement Act*, the Ad-  
18 *ministrator shall analyze the conclusions of ongoing studies*  
19 *of various types of commercially-available bird radar sys-*  
20 *tems, based upon that analysis, if the Administrator deter-*  
21 *mines such systems have no negative impact on existing*  
22 *navigational aids and that the expenditure of such funds*  
23 *is appropriate, the Administrator shall allow the purchase*  
24 *of bird-detecting radar systems as an allowable airport de-*  
25 *velopment project costs subject to subsection (b). If a deter-*

1 mination is made that such radar systems will not improve  
 2 or negatively impact airport safety, the Administrator shall  
 3 issue a report to the Senate Committee on Commerce,  
 4 Science, and Transportation and the House of Representa-  
 5 tives Committee on Transportation and Infrastructure on  
 6 why that determination was made.”.

7 **SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

8 *Section 47133(b) is amended—*

9 *(1) by resetting the text of the subsection as an*  
 10 *indented paragraph 2 ems from the left margin;*

11 *(2) by inserting “(1)” before “Subsection”; and*

12 *(3) by adding at the end thereof the following:*

13 *“(2) In the case of a privately owned airport,*  
 14 *subsection (a) shall not apply to the proceeds from the*  
 15 *sale of the airport to a public sponsor if—*

16 *“(A) the sale is approved by the Secretary;*

17 *“(B) funding is provided under this title for*  
 18 *the public sponsor’s acquisition; and*

19 *“(C) an amount equal to the remaining*  
 20 *unamortized portion of the original grant, amor-*  
 21 *tized over a 20-year period, is repaid to the Sec-*  
 22 *retary by the private owner for deposit in the*  
 23 *Trust Fund for airport acquisitions.*

24 *“(3) This subsection shall apply to grants issued*  
 25 *on or after October 1, 1996.”.*

1 **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**  
 2 **COSTS.**

3 *Notwithstanding section 47109(a) of title 49, United*  
 4 *States Code, the Federal Government's share of allowable*  
 5 *project costs for a grant made in fiscal year 2008, 2009,*  
 6 *2010, or 2011 under chapter 471 of that title for a project*  
 7 *described in paragraph (2) or (3) of that section shall be*  
 8 *95 percent.*

9 **SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY**  
 10 **CHARGES TO CONSTRUCT BICYCLE STORAGE**  
 11 **FACILITIES.**

12 *Section 40117(a)(3) is amended—*

13 *(1) by redesignating subparagraphs (A) through*  
 14 *(G) as clauses (i) through (vii);*

15 *(2) by striking “The term” and inserting the fol-*  
 16 *lowing:*

17 *“(A) IN GENERAL.—The term”; and*

18 *(3) by adding at the end the following:*

19 *“(B) BICYCLE STORAGE FACILITIES.—A*  
 20 *project to construct a bicycle storage facility may*  
 21 *not be considered an eligible airport-related*  
 22 *project.”.*

23 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

24 *(a) TECHNICAL CHANGES TO NATIONAL PLAN OF IN-*  
 25 *TEGRATED AIRPORT SYSTEMS.—Section 47103 is amend-*  
 26 *ed—*



1           (1) by striking “each airport to—” in subsection  
2           (a) and inserting “the airport system to—”;

3           (2) by striking “system in the particular area;”  
4           in subsection (a)(1) and inserting “system, including  
5           connection to the surface transportation network;  
6           and”;

7           (3) by striking “aeronautics; and” in subsection  
8           (a)(2) and inserting “aeronautics.”;

9           (4) by striking subsection (a)(3);

10          (5) by inserting “and” after the semicolon in  
11          subsection (b)(1);

12          (6) by striking paragraph (2) of subsection (b)  
13          and redesignating paragraph (3) as paragraph (2);

14          (7) by striking “operations, Short Takeoff and  
15          Landing/Very Short Takeoff and Landing aircraft op-  
16          erations,” in subsection (b)(2), as redesignated, and  
17          inserting “operations”; and

18          (8) by striking “status of the” in subsection (d).

19          (b) *UPDATE VETERANS PREFERENCE DEFINITION.*—  
20          Section 47112(c) is amended—

21               (1) by striking “separated from” in paragraph  
22               (1)(B) and inserting “discharged or released from ac-  
23               tive duty in”;

24               (2) by adding at the end of paragraph (1) the  
25               following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”;

(3) by striking “veterans and” in paragraph (2) and inserting “veterans, Afghanistan-Iraq war veterans, and”; and

(4) by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1) through (4) and inserting the following:

“(1) a summary of airport development and planning completed;

1           “(2) a summary of individual grants issued;

2           “(3) an accounting of discretionary and appor-  
3       tioned funds allocated; and

4           “(4) the allocation of appropriations; and”.

5       (d) *SUNSET OF PROGRAM.*—Section 47137 is repealed  
6       effective September 30, 2008.

7       (e) *CORRECTION TO EMISSION CREDITS PROVISION.*—  
8       Section 47139 is amended—

9           (1) by striking “47102(3)(F),” in subsection (a);

10          (2) by striking “47102(3)(F), 47102(3)(K),  
11       47102(3)(L), or 47140” in subsection (b) and insert-  
12       ing “47102(3)(K) or 47102(3)(L)”;

13          (3) by striking “40117(a)(3)(G), 47103(3)(F),  
14       47102(3)(K), 47102(3)(L), or 47140,” in subsection  
15       (b) and inserting “40117(a)(3)(G), 47102(3)(K), or  
16       47102(3)(L),”; and

17       (f) *CORRECTION TO SURPLUS PROPERTY AUTHOR-*  
18       *ITY.*—Section 47151(e) is amended by striking “(other than  
19       real property that is subject to section 2687 of title 10, sec-  
20       tion 201 of the Defense Authorization Amendments and  
21       Base Closure and Realignment Act (10 U.S.C. 2687 note),  
22       or section 2905 of the Defense Base Closure and Realign-  
23       ment Act of 1990 (10 U.S.C. 2687 note),”.

1       (g) *AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.*—Section 47175 is amended—  
 2       *ed—*

4               (1) *by striking “Airport Capacity Benchmark Report 2001.” in paragraph (2) and inserting “2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.”; and*

10              (2) *by adding at the end thereof the following:*

11              “(7) *JOINT USE AIRPORT.*—The term ‘joint use airport’ means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.”.

15       (h) *USE OF APPORTIONED AMOUNTS.*—Section 47117(e)(1)(A) is amended—

17              (1) *by striking “35 percent” in the first sentence and inserting “\$300,000,000”;*

19              (2) *by striking “and” after “47141,”;*

20              (3) *by striking “et seq.).” and inserting “et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.”; and*

1           (4) by striking “such 35 percent requirement is”  
2       in the second sentence and inserting “the require-  
3       ments of the preceding sentence are”.

4       (i) *USE OF PREVIOUS FISCAL YEAR’S APPORTION-*  
5 *MENT.*—Section 47114(c)(1) is amended—

6           (1) by striking “and” after the semicolon in sub-  
7       paragraph (E)(ii);

8           (2) by striking “airport.” in subparagraph  
9       (E)(iii) and inserting “airport; and”;

10          (3) by adding at the end of subparagraph (E)  
11       the following:

12                       “(iv) the airport received scheduled or  
13       unscheduled air service from a large cer-  
14       tified air carrier (as defined in part 241 of  
15       title 14, Code of Federal Regulations, or  
16       such other regulations as may be issued by  
17       the Secretary under the authority of section  
18       41709) and the Secretary determines that  
19       the airport had more than 10,000 passenger  
20       boardings in the preceding calendar year,  
21       based on data submitted to the Secretary  
22       under part 241 of title 14, Code of Federal  
23       Regulations.”;

24          (4) in subparagraph (G)—

1           (A) by striking “FISCAL YEAR 2006” in the  
2           heading and inserting “FISCAL YEARS 2008  
3           THROUGH 2011”;

4           (B) by striking “fiscal year 2006” and in-  
5           serting “fiscal years 2008 through 2011”;

6           (C) by striking clause (i) and inserting the  
7           following:

8                   “(i) the average annual passenger  
9                   boardings at the airport for calendar years  
10                  2004 through 2006 were below 10,000 per  
11                  year;”; and

12           (D) by striking “2000 or 2001;” in clause  
13           (ii) and inserting “2003;”; and

14           (5) by adding at the end thereof the following:

15           “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
16           AND 2011.—Notwithstanding subparagraph (A), for  
17           an airport that had more than 10,000 passenger  
18           boardings and scheduled passenger aircraft service in  
19           calendar year 2007, but in either calendar years 2008  
20           or 2009, or both years, the number of passenger  
21           boardings decreased to a level below 10,000 boardings  
22           per year at such airport, the Secretary may appor-  
23           tion in fiscal years 2010 or 2011 to the sponsor of  
24           such an airport an amount equal to the amount ap-  
25           portioned to that sponsor in fiscal year 2009.”.

1       (j) *MOBILE REFUELER PARKING CONSTRUCTION.*—  
 2       Section 47102(3) is amended by adding at the end the fol-  
 3       lowing:

4               “(M) construction of mobile refueler parking  
 5               within a fuel farm at a nonprimary airport  
 6               meeting the requirements of section 112.8 of title  
 7               40, Code of Federal Regulations.”.

8       (k) *DISCRETIONARY FUND.*—Section 47115(g)(1) is  
 9       amended by striking “of—” and all that follows and insert-  
 10      ing “of \$520,000,000. The amount credited is exclusive of  
 11      amounts that have been apportioned in a prior fiscal year  
 12      under section 47114 of this title and that remain available  
 13      for obligation.”.

14   **SEC. 209. STATE BLOCK GRANT PROGRAM.**

15      Section 47128 is amended—

16           (1) by striking “regulations” each place it ap-  
 17           pears in subsection (a) and inserting “guidance”;

18           (2) by striking “grant;” in subsection (b)(4) and  
 19           inserting “grant, including Federal environmental re-  
 20           quirements or an agreed upon equivalent;”;

21           (3) by redesignating subsection (c) as subsection  
 22           (d) and inserting after subsection (b) the following:

23           “(c) *PROJECT ANALYSIS AND COORDINATION RE-*  
 24           *QUIREMENTS.*—Any Federal agency that must approve, li-  
 25           cense, or permit a proposed action by a participating State

1 *shall coordinate and consult with the State. The agency*  
 2 *shall utilize the environmental analysis prepared by the*  
 3 *State, provided it is adequate, or supplement that analysis*  
 4 *as necessary to meet applicable Federal requirements.”; and*

5 *(4) by adding at the end the following:*

6 *“(e) PILOT PROGRAM.—The Secretary shall establish*  
 7 *a pilot program for up to 3 States that do not participate*  
 8 *in the program established under subsection (a) that is con-*  
 9 *sistent with the program under subsection (a).”.*

10 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
 11 **VIEWS.**

12 *Section 47173(a) is amended by striking “project.”*  
 13 *and inserting “project, or to conduct special environmental*  
 14 *studies related to a federally funded airport project or for*  
 15 *special studies or reviews to support approved noise com-*  
 16 *patibility measures in a Part 150 program or environ-*  
 17 *mental mitigation in a Federal Aviation Administration*  
 18 *Record of Decision or Finding of No Significant Impact.”.*

19 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
 20 **PROCEDURES.**

21 *Section 47504 is amended by adding at the end the*  
 22 *following:*

23 *“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-*  
 24 *DURES.—*



1           “(1) *The Secretary is authorized in accordance*  
2           *with subsection (c)(1) to make a grant to an airport*  
3           *operator to assist in completing environmental review*  
4           *and assessment activities for proposals to implement*  
5           *flight procedures that have been approved for airport*  
6           *noise compatibility planning purposes under sub-*  
7           *section (b).*

8           “(2) *The Administrator of the Federal Aviation*  
9           *Administration may accept funds from an airport*  
10          *sponsor, including funds provided to the sponsor*  
11          *under paragraph (1), to hire additional staff or ob-*  
12          *tain the services of consultants in order to facilitate*  
13          *the timely processing, review and completion of envi-*  
14          *ronmental activities associated with proposals to im-*  
15          *plement flight procedures submitted and approved for*  
16          *airport noise compatibility planning purposes in ac-*  
17          *cordance with this section. Funds received under this*  
18          *authority shall not be subject to the procedures appli-*  
19          *cable to the receipt of gifts by the Administrator.”.*

20   **SEC. 212. SAFETY-CRITICAL AIRPORTS.**

21       *Section 47118(c) is amended—*

22           (1) *by striking “or” after the semicolon in para-*  
23          *graph (1);*

24           (2) *by striking “delays.” in paragraph (2) and*  
25          *inserting “delays; or”; and*

1           (3) *by adding at the end the following:*

2           “(3) *be critical to the safety of commercial, mili-*  
3           *tary, or general aviation in trans-oceanic flights.*”.

4   **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
5           **PILOT PROGRAM.**

6           (a) *PILOT PROGRAM.*—Subchapter I of chapter 471 is  
7   *amended by adding at the end thereof the following:*

8   **“§47143. Environmental mitigation demonstration**  
9           **pilot program**

10          “(a) *IN GENERAL.*—The Secretary of Transportation  
11   *shall carry out a pilot program involving not more than*  
12   *6 projects at public-use airports under which the Secretary*  
13   *may make grants to sponsors of such airports from funds*  
14   *apportioned under paragraph 47117(e)(1)(A) for use at*  
15   *such airports for environmental mitigation demonstration*  
16   *projects that will measurably reduce or mitigate aviation*  
17   *impacts on noise, air quality or water quality in the vicin-*  
18   *ity of the airport. Notwithstanding any other provision of*  
19   *this subchapter, an environmental mitigation demonstra-*  
20   *tion project approved under this section shall be treated as*  
21   *eligible for assistance under this subchapter.*

22          “(b) *PARTICIPATION IN PILOT PROGRAM.*—A public-  
23   *use airport shall be eligible for participation in the pilot.*

24          “(c) *SELECTION CRITERIA.*—In selecting from among  
25   *applicants for participation in the pilot program, the Sec-*

1 *retary may give priority consideration to environmental*  
 2 *mitigation demonstration projects that—*

3           “(1) *will achieve the greatest reductions in air-*  
 4 *craft noise, airport emissions, or airport water qual-*  
 5 *ity impacts either on an absolute basis, or on a per-*  
 6 *dollar-of-funds expended basis; and*

7           “(2) *will be implemented by an eligible consor-*  
 8 *tium.*

9           “(d) *FEDERAL SHARE.—Notwithstanding any other*  
 10 *provision of this subchapter, the United States Govern-*  
 11 *ment’s share of the costs of a project carried out under this*  
 12 *section shall be 50 percent.*

13           “(e) *MAXIMUM AMOUNT.—Not more than \$2,500,000*  
 14 *may be made available by the Secretary in grants under*  
 15 *this section for any single project.*

16           “(f) *IDENTIFYING BEST PRACTICES.—The Adminis-*  
 17 *trator may develop and publish information identifying*  
 18 *best practices for reducing or mitigating aviation impacts*  
 19 *on noise, air quality, or water quality in the vicinity of*  
 20 *airports, based on the projects carried out under the pilot*  
 21 *program.*

22           “(g) *DEFINITIONS.—In this section:*

23           “(1) *ELIGIBLE CONSORTIUM.—The term ‘eligible*  
 24 *consortium’ means a consortium that comprises 2 or*  
 25 *more of the following entities:*

1           “(A) *Businesses operating in the United*  
2           *States.*

3           “(B) *Public or private educational or re-*  
4           *search organizations located in the United*  
5           *States.*

6           “(C) *Entities of State or local governments*  
7           *in the United States.*

8           “(D) *Federal laboratories.*

9           “(2) *ENVIRONMENTAL MITIGATION DEMONSTRA-*  
10          *TION PROJECT.—The term ‘environmental mitigation*  
11          *demonstration project’ means a project that—*

12           “(A) *introduces new conceptual environ-*  
13           *mental mitigation techniques or technology with*  
14           *associated benefits, which have already been*  
15           *proven in laboratory demonstrations;*

16           “(B) *proposes methods for efficient adapta-*  
17           *tion or integration of new concepts to airport op-*  
18           *erations; and*

19           “(C) *will demonstrate whether new tech-*  
20           *niques or technology for environmental mitiga-*  
21           *tion identified in research are—*

22           “(i) *practical to implement at or near*  
23           *multiple public use airports; and*

1                   “(ii) capable of reducing noise, airport  
2                   emissions, or water quality impacts in  
3                   measurably significant amounts.”.

4           (b) *CONFORMING AMENDMENT.*—*The table of contents*  
5 *for chapter 471 is amended by inserting after the item relat-*  
6 *ing to section 47142 the following:*

          “47143. *Environmental mitigation demonstration pilot program*”.

7   **SECTION 214. ALLOWABLE PROJECT COSTS.**

8           (a)    *ALLOWABLE PROJECT COSTS.*—*Section*  
9 *47110(b)(2)(D) is amended to read as follows:*

10                   “(D) if the cost is for airport development  
11                   and is incurred before execution of the grant  
12                   agreement, but in the same fiscal year as execu-  
13                   tion of the grant agreement, and if—

14                           “(i) the cost was incurred before execu-  
15                           tion of the grant agreement due to the short  
16                           construction season in the vicinity of the  
17                           airport;

18                           “(ii) the cost is in accordance with an  
19                           airport layout plan approved by the Sec-  
20                           retary and with all statutory and adminis-  
21                           trative requirements that would have been  
22                           applicable to the project if the project had  
23                           been carried out after execution of the grant  
24                           agreement, including submission of a com-  
25                           plete grant application to the appropriate

1            *regional or district office of the Federal*  
2            *Aviation Administration;*

3            *“(iii) the sponsor notifies the Secretary*  
4            *before authorizing work to commence on the*  
5            *project;*

6            *“(iv) the sponsor has an alternative*  
7            *funding source available to fund the project;*  
8            *and*

9            *“(v) the sponsor’s decision to proceed*  
10           *with the project in advance of execution of*  
11           *the grant agreement does not affect the pri-*  
12           *ority assigned to the project by the Sec-*  
13           *retary for the allocation of discretionary*  
14           *funds;”.*

15    **SEC. 215. GLYCOL RECOVERY VEHICLES.**

16           *Section 47102(3)(G) is amended by inserting “includ-*  
17           *ing acquiring glycol recovery vehicles,” after “aircraft,”.*

18    **SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.**

19           *Section 44504(b) is amended—*

20           *(1) by striking “and” after the semicolon in*  
21           *paragraph (6);*

22           *(2) by striking “aircraft.” in paragraph (7) and*  
23           *inserting “aircraft; and”; and*

24           *(3) by adding at the end thereof the following:*

1           “(8) to conduct research to support programs de-  
2           signed to reduce gases and particulates emitted.”.

3 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
4 **ANTEE.**

5           Section 47114(e) is amended—

6           (1) by inserting “AND ANY UNITED STATES TER-  
7           RITORY” after “ALASKA” in the subsection heading;  
8           and

9           (2) by adding at the end thereof the following:

10           “(5) UNITED STATES TERRITORY MINIMUM  
11           GUARANTEE.—In any fiscal year in which the total  
12           amount apportioned to airports in a United States  
13           Territory under subsections (c) and (d) is less than  
14           1.5 percent of the total amount apportioned to all air-  
15           ports under those subsections, the Secretary may ap-  
16           portion to the local authority in any United States  
17           Territory responsible for airport development projects  
18           in that fiscal year an amount equal to the difference  
19           between 1.5 percent of the total amounts apportioned  
20           under subsections (c) and (d) in that fiscal year and  
21           the amount otherwise apportioned under those sub-  
22           sections to airports in a United States Territory in  
23           that fiscal year.”.

1 **SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

2       (a) *IN GENERAL.*—Notwithstanding any other provi-  
3 sion of law, including the Federal Airport Act (as in effect  
4 on August 8, 1958), the United States releases, without  
5 monetary consideration, all restrictions, conditions, and  
6 limitations on the use, encumbrance, or conveyance of cer-  
7 tain land located in the municipality of Anchorage, Alaska,  
8 more particularly described as Tracts 22 and 24 of the  
9 Fourth Addition to the Town Site of Anchorage, Alaska,  
10 as shown on the plat of U.S. Survey No. 1456, accepted  
11 June 13, 1923, on file in the Bureau of Land Management,  
12 Department of Interior.

13       (b) *GRANTS.*—Notwithstanding any other provision of  
14 law, the municipality of Anchorage shall be released from  
15 the repayment of any outstanding grant obligations owed  
16 by the municipality to the Federal Aviation Administration  
17 with respect to any land described in subsection (a) that  
18 is subsequently conveyed to or used by the Department of  
19 Transportation and Public Facilities of the State of Alaska  
20 for the construction or reconstruction of a federally sub-  
21 sidized highway project.

22 **SEC. 219. RELEASE FROM RESTRICTIONS.**

23       (a) *IN GENERAL.*—Subject to subsection (b), and not-  
24 withstanding section 16 of the Federal Airport Act (as in  
25 effect on August 28, 1973) and sections 47125 and 47153  
26 of title 49, United States Code, the Secretary of Transpor-



1 *tation is authorized to grant releases from any of the terms,*  
2 *conditions, reservations, and restrictions contained in the*  
3 *deed of conveyance dated August 28, 1973, under which the*  
4 *United States conveyed certain property to the city of St.*  
5 *George, Utah, for airport purposes.*

6 *(b) CONDITION.—Any release granted by the Secretary*  
7 *of Transportation pursuant to subsection (a) shall be subject*  
8 *to the following conditions:*

9 *(1) The city of St. George, Utah, shall agree that*  
10 *in conveying any interest in the property which the*  
11 *United States conveyed to the city by deed on August*  
12 *28, 1973, the city will receive an amount for such in-*  
13 *terest which is equal to its fair market value.*

14 *(2) Any amount received by the city under para-*  
15 *graph (1) shall be used by the city of St. George,*  
16 *Utah, for the development or improvement of a re-*  
17 *placement public airport.*

18 *(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—*

19 *(1) IN GENERAL.—In addition to any release*  
20 *granted under subsection (a), the Secretary of Trans-*  
21 *portation may, subject to paragraph (2), grant re-*  
22 *leases from any of the terms, conditions, reservations,*  
23 *and restrictions contained in the deed of conveyance*  
24 *numbered 30–82–0048 and dated August 4, 1982,*  
25 *under which the United States conveyed certain land*

1       to Doña Ana County, New Mexico, for airport pur-  
2       poses.

3               (2) *CONDITIONS.*—*Any release granted by the*  
4       *Secretary under paragraph (1) shall be subject to the*  
5       *following conditions:*

6               (A) *The County shall agree that in con-*  
7       *veying any interest in the land that the United*  
8       *States conveyed to the County by the deed de-*  
9       *scribed in paragraph (1), the County shall re-*  
10      *ceive an amount for the interest that is equal to*  
11      *the fair market value.*

12              (B) *Any amount received by the County for*  
13      *the conveyance shall be used by the County for*  
14      *the development, improvement, operation, or*  
15      *maintenance of the airport.*

16   **SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.**

17       Section 47118(g) is amended by striking “one” and  
18   inserting “three” in its place.

19   **SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING**  
20       **GROUP.**

21       (a) *IN GENERAL.*—*The Administrator shall establish*  
22      *an airport sustainability working group to assist the Ad-*  
23      *ministrator with issues pertaining to airport sustainability*  
24      *practices.*

1       (b) *MEMBERSHIP.*—*The Working Group shall be com-*  
2 *prised of not more than 15 members including—*

3               (1) *the Administrator;*

4               (2) *5 member organizations representing avia-*  
5 *tion interests including:*

6                       (A) *an organization representing airport*  
7 *operators;*

8                       (B) *an organization representing airport*  
9 *employees;*

10                      (C) *an organization representing air car-*  
11 *riers;*

12                      (D) *an organization representing airport*  
13 *development and operations experts;*

14                      (E) *a labor organization representing avia-*  
15 *tion employees.*

16               (3) *9 airport chief executive officers which shall*  
17 *include:*

18                      (A) *at least one from each of the FAA Re-*  
19 *gions;*

20                      (B) *at least 1 large hub;*

21                      (C) *at least 1 medium hub;*

22                      (D) *at least 1 small hub;*

23                      (E) *at least 1 non hub;*

24                      (F) *at least 1 general aviation airport.*

25       (c) *FUNCTIONS.*—

1           (1) *develop consensus-based best practices and*  
2           *metrics for the sustainable design, construction, plan-*  
3           *ning, maintenance, and operation of an airport that*  
4           *comply with the guidelines prescribed by the Admin-*  
5           *istrator;*

6           (2) *develop standards for a consensus-based rat-*  
7           *ing system based on the aforementioned best practices,*  
8           *metrics, and ratings; and*

9           (3) *develop standards for a voluntary ratings*  
10          *process, based on the aforementioned best practices,*  
11          *metrics, and ratings;*

12          (4) *examine and submit recommendations for the*  
13          *industry's next steps with regard to sustainability.*

14          (d) *DETERMINATION.*—*The Administrator shall pro-*  
15          *vide assurance that the best practices developed by the work-*  
16          *ing group under paragraph (a) are not in conflict with any*  
17          *federal aviation or federal, state or local environmental reg-*  
18          *ulation.*

19          (e) *UNPAID POSITION.*—*Working Group members shall*  
20          *serve at their own expense and receive no salary, reimburse-*  
21          *ment of travel expenses, or other compensation from the*  
22          *Federal Government.*

23          (f) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*  
24          *sory Committee Act (5 U.S.C. App.) shall not apply to the*  
25          *Working Group under this section.*

1       (g) *REPORT*.—Not later than one year after the date  
 2 of enactment the Working Group shall submit a report to  
 3 the Administrator containing the best practices and stand-  
 4 ards contained in paragraph (c). After receiving the report,  
 5 the Administrator may publish such best practices in order  
 6 to disseminate the information to support the sustainable  
 7 design, construction, planning, maintenance, and oper-  
 8 ations of airports.

9       (h) No funds may be authorized to carry out this pro-  
 10 vision.

11 **SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFI-**  
 12 **CIENCY OF AIRPORT BUILDINGS IN AIRPORT**  
 13 **IMPROVEMENT PROJECTS.**

14 Section 47101(a) is amended—

15       (1) in paragraph (12), by striking “; and” and  
 16 inserting a semicolon;

17       (2) in paragraph (13), by striking the period  
 18 and inserting “; and”; and

19       (3) by adding at the end the following:

20       “(14) that the airport improvement program  
 21 should be administered to allow measures to improve  
 22 the efficiency of airport buildings to be included in  
 23 airport improvement projects, such as measures de-  
 24 signed to meet one or more of the criteria for being  
 25 a high-performance green building set forth in section

1       401(13) of the *Energy Independence and Security Act*  
 2       of 2007 (42 U.S.C. 17061(13)), if any significant in-  
 3       crease in upfront project costs from any such measure  
 4       is justified by expected savings over the lifecycle of the  
 5       project.”.

6       **SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIR-**  
 7                   **PORT IMPROVEMENT IN PROPORTION TO**  
 8                   **AMOUNTS OF AIR TRAFFIC.**

9       (a) *STUDY AND REPORT REQUIRED.*—Not later than  
 10      180 days after the date of the enactment of this Act, the  
 11      Administrator of the Federal Aviation Administration  
 12      shall—

13           (1) complete a study on the feasibility and advis-  
 14      ability of apportioning amounts under section  
 15      47114(c)(1) of title 49, United States Code, to the  
 16      sponsor of each primary airport for each fiscal year  
 17      an amount that bears the same ratio to the amount  
 18      subject to the apportionment for fiscal year 2009 as  
 19      the number of passenger boardings at the airport dur-  
 20      ing the prior calendar year bears to the aggregate of  
 21      all passenger boardings at all primary airports dur-  
 22      ing that calendar year; and

23           (2) submit to Congress a report on the study  
 24      completed under paragraph (1).

1       **(b) REPORT CONTENTS.**—*The report required by sub-*  
2 *section (a)(2) shall include the following:*

3           *(1) A description of the study carried out under*  
4 *subsection (a)(1).*

5           *(2) The findings of the Administrator with re-*  
6 *spect to such study.*

7           *(3) A list of each sponsor of a primary airport*  
8 *that received an amount under section 47114(c)(1) of*  
9 *title 49, United States Code, in 2009.*

10          *(4) For each sponsor listed in accordance with*  
11 *paragraph (3), the following:*

12           *(A) The amount such sponsor received, if*  
13 *any, in 2005, 2006, 2007, 2008, and 2009 under*  
14 *such section 47114(c)(1).*

15           *(B) An explanation of how the amount*  
16 *awarded to such sponsor was determined.*

17           *(C) The average number of air passenger*  
18 *flights serviced each month at the airport of such*  
19 *sponsor in 2009.*

20           *(D) The number of enplanements for air*  
21 *passenger transportation at such airport in*  
22 *2005, 2006, 2007, 2008, and 2009.*

23 **SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIR-**  
24 **PORTS.**

25       **(a) DEFINITIONS.**—*In this section:*

1           (1) *ADMINISTRATOR.*—The term “Adminis-  
2       trator” means the Administrator of the Federal Avia-  
3       tion Administration.

4           (2) *GENERAL AVIATION AIRPORT.*—The term  
5       “general aviation airport” means an airport that  
6       does not receive scheduled passenger aircraft service.

7       (b) *IN GENERAL.*—Notwithstanding any other provi-  
8       sion of law, the Administrator of the Federal Aviation Ad-  
9       ministration (referred to in this section as the “Adminis-  
10      trator”) may declare certain revenue derived from or gen-  
11      erated by mineral extraction, production, lease or other  
12      means at any general aviation airport to be revenue greater  
13      than the amount needed to carry out the 5-year projected  
14      maintenance needs of the airport in order to comply with  
15      the applicable design and safety standards of the Federal  
16      Aviation Administration.

17      (c) *USE OF REVENUE.*—An airport sponsor that is in  
18      compliance with the conditions under subsection (d) may  
19      allocate revenue identified by the Administrator under sub-  
20      section (b) for Federal, State, or local transportation infra-  
21      structure projects carried out by the airport sponsor or by  
22      a governing body within the geographical limits of the air-  
23      port sponsor’s jurisdiction.



1       (d) *CONDITIONS.—An airport sponsor may not allo-*  
2 *cate revenue identified by the Administrator under sub-*  
3 *section (b) unless the airport sponsor—*

4           (1) *enters into a written agreement with the Ad-*  
5 *ministrator that sets forth a 5-year capital improve-*  
6 *ment program for the airport, which—*

7               (A) *includes the projected costs for the oper-*  
8 *ation, maintenance, and capacity needs of the*  
9 *airport in order to comply with applicable de-*  
10 *sign and safety standards of the Federal Avia-*  
11 *tion Administration; and*

12               (B) *appropriately adjusts such costs to ac-*  
13 *count for inflation;*

14       (2) *agrees in writing—*

15               (A) *to waive all rights to receive entitlement*  
16 *funds or discretionary funds to be used at the*  
17 *airport under section 47114 or 47115 of title 49,*  
18 *United States Code, during the 5-year period of*  
19 *the capital improvement plan described in para-*  
20 *graph (1);*

21               (B) *to perpetually comply with sections*  
22 *47107(b) and 47133 of such title, unless granted*  
23 *specific exceptions by the Administrator in ac-*  
24 *cordance with this section; and*

1           (C) to operate the airport as a public-use  
 2           airport, unless the Administrator specifically  
 3           grants a request to allow the airport to close; and  
 4           (3) complies with all grant assurance obligations  
 5           in effect as of the date of the enactment of this Act  
 6           during the 20-year period beginning on the date of  
 7           enactment of this Act;

8           (e) *COMPLETION OF DETERMINATION.*—Not later than  
 9           90 days after receiving an airport sponsor’s application  
 10          and requisite supporting documentation to declare that cer-  
 11          tain mineral revenue is not needed to carry out the 5-year  
 12          capital improvement program at such airport, the Adminis-  
 13          trator shall determine whether the airport sponsor’s request  
 14          should be granted. The Administrator may not unreason-  
 15          ably deny an application under this subsection.

16          (f) *RULEMAKING.*—Not later than 90 days after the  
 17          date of the enactment of this Act, the Administrator shall  
 18          promulgate regulations to carry out this section.

19       **TITLE III—AIR TRAFFIC CON-**  
 20       **TROL MODERNIZATION AND**  
 21       **FAA REFORM**

22       **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**  
 23       **SIGHT BOARD.**

24          Section 106(p) is amended to read as follows:

1       “(p) *AIR TRAFFIC CONTROL MODERNIZATION OVER-*  
2 *SIGHT BOARD.*—

3               “(1) *ESTABLISHMENT.*—*Within 90 days after the*  
4 *date of enactment of the FAA Air Transportation*  
5 *Modernization and Safety Improvement Act, the Sec-*  
6 *retary shall establish and appoint the members of an*  
7 *advisory Board which shall be known as the Air Traf-*  
8 *fic Control Modernization Oversight Board.*

9               “(2) *MEMBERSHIP.*—*The Board shall be com-*  
10 *prised of the individual appointed or designated*  
11 *under section 302 of the FAA Air Transportation*  
12 *Modernization and Safety Improvement Act (who*  
13 *shall serve ex officio without the right to vote) and 9*  
14 *other members, who shall consist of—*

15               “(A) *the Administrator and a representa-*  
16 *tive from the Department of Defense;*

17               “(B) *1 member who shall have a fiduciary*  
18 *responsibility to represent the public interest;*  
19 *and*

20               “(C) *6 members representing aviation inter-*  
21 *ests, as follows:*

22               “(i) *1 representative that is the chief*  
23 *executive officer of an airport.*

1           “(ii) 1 representative that is the chief  
2           executive officer of a passenger or cargo air  
3           carrier.

4           “(iii) 1 representative of a labor orga-  
5           nization representing employees at the Fed-  
6           eral Aviation Administration that are in-  
7           volved with the operation of the air traffic  
8           control system.

9           “(iv) 1 representative with extensive  
10          operational experience in the general avia-  
11          tion community.

12          “(v) 1 representative from an aircraft  
13          manufacturer.

14          “(vi) 1 representative of a labor orga-  
15          nization representing employees at the Fed-  
16          eral Aviation Administration who are in-  
17          volved with maintenance of the air traffic  
18          control system.

19          “(3) APPOINTMENT AND QUALIFICATIONS.—

20               “(A) Members of the Board appointed under  
21               paragraphs (2)(B) and (2)(C) shall be appointed  
22               by the President, by and with the advice and  
23               consent of the Senate.

24               “(B) Members of the Board appointed under  
25               paragraph (2)(B) shall be citizens of the United

1       *States and shall be appointed without regard to*  
2       *political affiliation and solely on the basis of*  
3       *their professional experience and expertise in one*  
4       *or more of the following areas and, in the aggregate,*  
5       *should collectively bring to bear expertise*  
6       *in—*

7               “(i) management of large service orga-  
8               nizations;

9               “(ii) customer service;

10              “(iii) management of large procure-  
11              ments;

12              “(iv) information and communications  
13              technology;

14              “(v) organizational development; and

15              “(vi) labor relations.

16              “(C) *Of the members first appointed under*  
17              *paragraphs (2)(B) and (2)(C)—*

18                   “(i) *2 shall be appointed for terms of*  
19                   *1 year;*

20                   “(ii) *1 shall be appointed for a term of*  
21                   *2 years;*

22                   “(iii) *1 shall be appointed for a term*  
23                   *of 3 years; and*

24                   “(iv) *1 shall be appointed for a term*  
25                   *of 4 years.*

1           “(4) *FUNCTIONS.*—

2                 “(A) *IN GENERAL.*—*The Board shall—*

3                     “(i) *review and provide advice on the*  
4                     *Administration’s modernization programs,*  
5                     *budget, and cost accounting system;*

6                     “(ii) *review the Administration’s stra-*  
7                     *tegic plan and make recommendations on*  
8                     *the non-safety program portions of the plan,*  
9                     *and provide advice on the safety programs*  
10                    *of the plan;*

11                    “(iii) *review the operational efficiency*  
12                    *of the air traffic control system and make*  
13                    *recommendations on the operational and*  
14                    *performance metrics for that system;*

15                    “(iv) *approve procurements of air traf-*  
16                    *fic control equipment in excess of*  
17                    *\$100,000,000;*

18                    “(v) *approve by July 31 of each year*  
19                    *the Administrator’s budget request for fa-*  
20                    *cilities and equipment prior to its submis-*  
21                    *sion to the Office of Management and budg-*  
22                    *et, including which programs are proposed*  
23                    *to be funded from the Air Traffic control*  
24                    *system Modernization Account of the Air-*  
25                    *port and Airway Trust Fund;*

1                   “(vi) approve the Federal Aviation Ad-  
2                   ministration’s Capital Investment Plan  
3                   prior to its submission to the Congress;

4                   “(vii) annually review and make rec-  
5                   ommendations on the NextGen Implementa-  
6                   tion Plan;

7                   “(viii) approve the Administrator’s se-  
8                   lection of the Chief NextGen Officer ap-  
9                   pointed or designated under section 302(a)  
10                  of the FAA Air Transportation Moderniza-  
11                  tion and Safety Improvement Act; and

12                  “(ix) approve the selection of the head  
13                  of the Joint Planning and Development Of-  
14                  fice.

15                  “(B) MEETINGS.—The Board shall meet on  
16                  a regular and periodic basis or at the call of the  
17                  Chairman or of the Administrator.

18                  “(C) ACCESS TO DOCUMENTS AND STAFF.—  
19                  The Administration may give the Board appro-  
20                  priate access to relevant documents and per-  
21                  sonnel of the Administration, and the Adminis-  
22                  trator shall make available, consistent with the  
23                  authority to withhold commercial and other pro-  
24                  prietary information under section 552 of title 5,  
25                  cost data associated with the acquisition and op-

1        *eration of air traffic control systems. Any mem-*  
2        *ber of the Board who receives commercial or*  
3        *other proprietary data from the Administrator*  
4        *shall be subject to the provisions of section 1905*  
5        *of title 18, pertaining to unauthorized disclosure*  
6        *of such information.*

7        *“(5) FEDERAL ADVISORY COMMITTEE ACT NOT*  
8        *TO APPLY.—The Federal Advisory Committee Act (5*  
9        *U.S.C. App.) shall not apply to the Board or such*  
10       *rulemaking committees as the Administrator shall*  
11       *designate.*

12       *“(6) ADMINISTRATIVE MATTERS.—*

13       *“(A) TERMS OF MEMBERS.—Except as pro-*  
14       *vided in paragraph (3)(C), members of the*  
15       *Board appointed under paragraph (2)(B) and*  
16       *(2)(C) shall be appointed for a term of 4 years.*

17       *“(B) REAPPOINTMENT.—No individual may*  
18       *be appointed to the Board for more than 8 years*  
19       *total.*

20       *“(C) VACANCY.—Any vacancy on the Board*  
21       *shall be filled in the same manner as the original*  
22       *position. Any member appointed to fill a va-*  
23       *cancy occurring before the expiration of the term*  
24       *for which the member’s predecessor was ap-*  
25       *pointed shall be appointed for a term of 4 years.*



1           “(D) *CONTINUATION IN OFFICE.*—A member  
2           of the Board whose term expires shall continue  
3           to serve until the date on which the member’s  
4           successor takes office.

5           “(E) *REMOVAL.*—Any member of the Board  
6           appointed under paragraph (2)(B) or (2)(C)  
7           may be removed by the President for cause.

8           “(F) *CLAIMS AGAINST MEMBERS OF THE*  
9           *BOARD.*—

10           “(i) *IN GENERAL.*—A member ap-  
11           pointed to the Board shall have no personal  
12           liability under State or Federal law with  
13           respect to any claim arising out of or re-  
14           sulting from an act or omission by such  
15           member within the scope of service as a  
16           member of the Board.

17           “(ii) *EFFECT ON OTHER LAW.*—This  
18           subparagraph shall not be construed—

19           “(I) to affect any other immunity  
20           or protection that may be available to  
21           a member of the Board under applica-  
22           ble law with respect to such trans-  
23           actions;

1                   “(II) to affect any other right or  
2                   remedy against the United States  
3                   under applicable law; or

4                   “(III) to limit or alter in any  
5                   way the immunities that are available  
6                   under applicable law for Federal offi-  
7                   cers and employees.

8                   “(G) *ETHICAL CONSIDERATIONS.*—Each  
9                   member of the Board appointed under para-  
10                  graph (2)(B) must certify that the member—

11                  “(i) does not have a pecuniary interest  
12                  in, or own stock in or bonds of, an aviation  
13                  or aeronautical enterprise, except an inter-  
14                  est in a diversified mutual fund or an in-  
15                  terest that is exempt from the application of  
16                  section 208 of title 18;

17                  “(ii) does not engage in another busi-  
18                  ness related to aviation or aeronautics; and

19                  “(iii) is not a member of any organi-  
20                  zation that engages, as a substantial part of  
21                  its activities, in activities to influence avia-  
22                  tion-related legislation.

23                  “(H) *CHAIRMAN; VICE CHAIRMAN.*—The  
24                  Board shall elect a chair and a vice chair from  
25                  among its members, each of whom shall serve for

1        *a term of 2 years. The vice chair shall perform*  
2        *the duties of the chairman in the absence of the*  
3        *chairman.*

4                *“(I) COMPENSATION.—No member shall re-*  
5        *ceive any compensation or other benefits from the*  
6        *Federal Government for serving on the Board,*  
7        *except for compensation benefits for injuries*  
8        *under subchapter I of chapter 81 of title 5 and*  
9        *except as provided under subparagraph (J).*

10               *“(J) EXPENSES.—Each member of the*  
11        *Board shall be paid actual travel expenses and*  
12        *per diem in lieu of subsistence expenses when*  
13        *away from his or her usual place of residence, in*  
14        *accordance with section 5703 of title 5.*

15               *“(K) BOARD RESOURCES.—From resources*  
16        *otherwise available to the Administrator, the*  
17        *Chairman shall appoint such staff to assist the*  
18        *board and provide impartial analysis, and the*  
19        *Administrator shall make available to the Board*  
20        *such information and administrative services*  
21        *and assistance, as may reasonably be required to*  
22        *enable the Board to carry out its responsibilities*  
23        *under this subsection.*

24               *“(L) QUORUM AND VOTING.—A simple ma-*  
25        *jority of members of the Board duly appointed*

1           *shall constitute a quorum. A majority vote of*  
 2           *members present and voting shall be required for*  
 3           *the Committee to take action.*

4           “(7) *AIR TRAFFIC CONTROL SYSTEM DEFINED.*—  
 5           *In this subsection, the term ‘air traffic control system’*  
 6           *has the meaning given that term in section*  
 7           *40102(a).’.*

8   **SEC. 302. NEXTGEN MANAGEMENT.**

9           *(a) IN GENERAL.—The Administrator shall appoint or*  
 10          *designate an individual, as the Chief NextGen Officer, to*  
 11          *be responsible for implementation of all Administration*  
 12          *programs associated with the Next Generation Air Trans-*  
 13          *portation System.*

14          *(b) SPECIFIC DUTIES.—The individual appointed or*  
 15          *designated under subsection (a) shall—*

16                 *(1) oversee the implementation of all Adminis-*  
 17                 *tration NextGen programs;*

18                 *(2) coordinate implementation of those NextGen*  
 19                 *programs with the Office of Management and Budget;*

20                 *(3) develop an annual NextGen implementation*  
 21                 *plan;*

22                 *(4) ensure that Next Generation Air Transpor-*  
 23                 *tation System implementation activities are planned*  
 24                 *in such a manner as to require that system architec-*  
 25                 *ture is designed to allow for the incorporation of*

1     *novel and currently unknown technologies into the*  
 2     *System in the future and that current decisions do*  
 3     *not bias future decisions unfairly in favor of existing*  
 4     *technology at the expense of innovation; and*

5             *(5) oversee the Joint Planning and Development*  
 6     *Office’s facilitation of cooperation among all Federal*  
 7     *agencies whose operations and interests are affected*  
 8     *by implementation of the NextGen programs.*

9     **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**  
 10            **FIC SERVICES.**

11     *Section 106(l) is amended by adding at the end the*  
 12     *following:*

13            “(7) *AIR TRAFFIC SERVICES.*—*In determining*  
 14     *what actions to take, by rule or through an agreement*  
 15     *or transaction under paragraph (6) or under section*  
 16     *44502, to permit non-Government providers of com-*  
 17     *munications, navigation, surveillance or other services*  
 18     *to provide such services in the National Airspace Sys-*  
 19     *tem, or to require the usage of such services, the Ad-*  
 20     *ministrator shall consider whether such actions*  
 21     *would—*

22                    “(A) *promote the safety of life and property;*

23                    “(B) *improve the efficiency of the National*  
 24     *Airspace System and reduce the regulatory bur-*  
 25     *den upon National Airspace System users, based*

1       upon sound engineering principles, user oper-  
2       ational requirements, and marketplace demands;

3               “(C) encourage competition and provide  
4       services to the largest feasible number of users;  
5       and

6               “(D) take into account the unique role  
7       served by general aviation.”.

8   **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
9       **REIMBURSABLE AGREEMENTS.**

10       Section 106(m) is amended by striking “without” in  
11   the last sentence and inserting “with or without”.

12   **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**  
13       **THORITY.**

14       Section 40110(c) is amended—

15               (1) by inserting “and” after the semicolon in  
16   paragraph (3);

17               (2) by striking paragraph (4); and

18               (3) by redesignating paragraph (5) as para-  
19   graph (4).

20   **SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.**

21       Section 40113(e) is amended—

22               (1) by inserting “(whether public or private)” in  
23   paragraph (1) after “authorities”;

24               (2) by striking “safety.” in paragraph (1) and  
25   inserting “safety or efficiency. The Administrator is

1 authorized to participate in, and submit offers in re-  
 2 sponse to, competitions to provide these services, and  
 3 to contract with foreign aviation authorities to pro-  
 4 vide these services consistent with the provisions  
 5 under section 106(l)(6) of this title. The Adminis-  
 6 trator is also authorized, notwithstanding any other  
 7 provision of law or policy, to accept payments in ar-  
 8 rears.”; and

9 (3) by striking “appropriation from which ex-  
 10 penses were incurred in providing such services.” in  
 11 paragraph (3) and inserting “appropriation current  
 12 when the expenditures are or were paid, or the appro-  
 13 priation current when the amount is received.”.

14 **SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.**

15 Section 40122(g)(2) is amended—

16 (1) by striking “and” after the semicolon in sub-  
 17 paragraph (G);

18 (2) by striking “Board.” in subparagraph (H)  
 19 and inserting “Board; and”; and

20 (3) by inserting at the end the following new  
 21 subparagraph:

22 “(I) subsections (b), (c), and (d) of section  
 23 4507 (relating to Meritorious Executive or Dis-  
 24 tinguished Executive rank awards), and sub-  
 25 sections (b) and (c) of section 4507a (relating to

1        *Meritorious Senior Professional or Distinguished*  
2        *Senior Professional rank awards), except that—*

3                *“(i) for purposes of applying such pro-*  
4                *visions to the personnel management sys-*  
5                *tem—*

6                        *“(I) the term ‘agency’ means the*  
7                        *Department of Transportation;*

8                        *“(II) the term ‘senior executive’*  
9                        *means a Federal Aviation Administra-*  
10                       *tion executive;*

11                       *“(III) the term ‘career appointee’*  
12                       *means a Federal Aviation Administra-*  
13                       *tion career executive; and*

14                       *“(IV) the term ‘senior career em-*  
15                       *ployee’ means a Federal Aviation Ad-*  
16                       *ministration career senior professional;*

17                *“(ii) receipt by a career appointee of*  
18                *the rank of Meritorious Executive or Meri-*  
19                *torious Senior Professional entitles such in-*  
20                *dividual to a lump-sum payment of an*  
21                *amount equal to 20 percent of annual basic*  
22                *pay, which shall be in addition to the basic*  
23                *pay paid under the Federal Aviation Ad-*  
24                *ministration Executive Compensation Plan;*  
25                *and*



1                   “(iii) receipt by a career appointee of  
 2                   the rank of Distinguished Executive or Dis-  
 3                   tinguished Senior Professional entitles the  
 4                   individual to a lump-sum payment of an  
 5                   amount equal to 35 percent of annual basic  
 6                   pay, which shall be in addition to the basic  
 7                   pay paid under the Federal Aviation Ad-  
 8                   ministration Executive Compensation  
 9                   Plan.”.

10 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**  
 11 **MENT.**

12           (a) *FAA CRITERIA FOR FACILITIES REALIGNMENT.*—  
 13 Within 9 months after the date of enactment of this Act,  
 14 the Administrator, after providing an opportunity for pub-  
 15 lic comment, shall publish final criteria to be used in mak-  
 16 ing the Administrator’s recommendations for the realign-  
 17 ment of services and facilities to assist in the transition  
 18 to next generation facilities and help reduce capital, oper-  
 19 ating, maintenance, and administrative costs with no ad-  
 20 verse effect on safety.

21           (b) *REALIGNMENT RECOMMENDATIONS.*—Within 9  
 22 months after publication of the criteria, the Administrator  
 23 shall publish a list of the services and facilities that the  
 24 Administrator recommends for realignment, including a  
 25 justification for each recommendation and a description of

1 *the costs and savings of such transition, in the Federal Reg-*  
2 *ister and allow 45 days for the submission of public com-*  
3 *ments to the Board. In addition, the Administrator upon*  
4 *request shall hold a public hearing in any community that*  
5 *would be affected by a recommendation in the report.*

6 (c) *STUDY BY BOARD.—The Air Traffic Control Mod-*  
7 *ernization Oversight Board established by section 106(p) of*  
8 *title 49, United States Code, shall study the Administrator’s*  
9 *recommendations for realignment and the opportunities,*  
10 *risks, and benefits of realigning services and facilities of*  
11 *the Administration to help reduce capital, operating, main-*  
12 *tenance, and administrative costs with no adverse effect on*  
13 *safety.*

14 (d) *REVIEW AND RECOMMENDATIONS.—*

15 (1) *Based on its review and analysis of the Ad-*  
16 *ministrator’s recommendations and any public com-*  
17 *ment it may receive, the Board shall make its inde-*  
18 *pendent recommendations for realignment of aviation*  
19 *services or facilities and submit its recommendations*  
20 *in a report to the President, the Senate Committee on*  
21 *Commerce, Science, and Transportation, and the*  
22 *House of Representatives Committee on Transpor-*  
23 *tation and Infrastructure.*

24 (2) *The Board shall explain and justify in its re-*  
25 *port any recommendation made by the Board that is*

1       different from the recommendations made by the Ad-  
 2       ministrator pursuant to subsection (b).

3           (3) *The Administrator may not realign any air*  
 4       *traffic control facilities or regional offices until the*  
 5       *Board's recommendations are complete, unless for*  
 6       *each proposed realignment the Administrator and*  
 7       *each exclusive bargaining representative certified*  
 8       *under section 7114 of title 5, United States Code, of*  
 9       *affected employees execute a written agreement re-*  
 10      *garding the proposed realignment.*

11      (e) *REALIGNMENT DEFINED.*—*In this section, the term*  
 12      *“realignment”*—

13           (1) *means a relocation or reorganization of func-*  
 14      *tions, services, or personnel positions, including a fa-*  
 15      *cility closure, consolidation, deconsolidation, collocation,*  
 16      *decombining, decoupling, split, or inter-facility*  
 17      *or inter-regional reorganization that requires a reas-*  
 18      *signment of employees; but*

19           (2) *does not include a reduction in personnel re-*  
 20      *sulting from workload adjustments.*

21      **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**  
 22                                      **TEM IMPLEMENTATION OFFICE.**

23      (a) *IMPROVED COOPERATION AND COORDINATION*  
 24      *AMONG PARTICIPATING AGENCIES.*—*Section 709 of the Vi-*

1 sion 100—Century of Aviation Reauthorization Act (49  
2 U.S.C. 40101 note) is amended—

3 (1) by inserting “strategic and cross-agency”  
4 after “manage” in subsection (a)(1);

5 (2) by adding at the end of subsection (a)(1)  
6 “The office shall be headed by a Director, who shall  
7 report to the Chief NextGen Officer appointed or des-  
8 ignated under section 302(a) of the FAA Air Trans-  
9 portation Modernization and Safety Improvement  
10 Act.”;

11 (3) by inserting “(A)” after “(3)” in subsection  
12 (a)(3);

13 (4) by inserting after subsection (a)(3) the fol-  
14 lowing:

15 “(B) The Administrator, the Secretary of  
16 Defense, the Administrator of the National Aero-  
17 nautics and Space Administration, the Secretary  
18 of Commerce, the Secretary of Homeland Secu-  
19 rity, and the head of any other Department or  
20 Federal agency from which the Secretary of  
21 Transportation requests assistance under sub-  
22 paragraph (A) shall designate an implementa-  
23 tion office to be responsible for—

24 “(i) carrying out the Department or  
25 agency’s Next Generation Air Transpor-

1            *tation System implementation activities*  
2            *with the Office;*

3            *“(ii) liaison and coordination with*  
4            *other Departments and agencies involved in*  
5            *Next Generation Air Transportation System*  
6            *activities; and*

7            *“(iii) managing all Next Generation*  
8            *Air Transportation System programs for*  
9            *the Department or agency, including nec-*  
10           *essary budgetary and staff resources, includ-*  
11           *ing, for the Federal Aviation Administra-*  
12           *tion, those projects described in section*  
13           *44501(b)(5) of title 49, United States Code).*

14           *“(C) The head of any such Department or*  
15           *agency shall ensure that—*

16           *“(i) the Department’s or agency’s Next*  
17           *Generation Air Transportation System re-*  
18           *sponsibilities are clearly communicated to*  
19           *the designated office; and*

20           *“(ii) the performance of supervisory*  
21           *personnel in that office in carrying out the*  
22           *Department’s or agency’s Next Generation*  
23           *Air Transportation System responsibilities*  
24           *is reflected in their annual performance*  
25           *evaluations and compensation decisions.*

1           “(D)(i) Within 6 months after the date of  
2           enactment of the FAA Air Transportation Mod-  
3           ernization and Safety Improvement Act, the  
4           head of each such Department or agency shall  
5           execute a memorandum of understanding with  
6           the Office and with the other Departments and  
7           agencies participating in the Next Generation  
8           Air Transportation System project that—

9                   “(I) describes the respective responsibil-  
10                  ities of each such Department and agency,  
11                  including budgetary commitments; and

12                   “(II) the budgetary and staff resources  
13                  committed to the project.

14                  “(ii) The memorandum shall be revised as  
15                  necessary to reflect any changes in such respon-  
16                  sibilities or commitments and be reflected in  
17                  each Department or agency’s budget request.”;

18                  (5) by striking “beyond those currently included  
19                  in the Federal Aviation Administration’s operational  
20                  evolution plan” in subsection (b);

21                  (6) by striking “research and development road-  
22                  map” in subsection (b)(3) and inserting “implemen-  
23                  tation plan”;

24                  (7) by striking “and” after the semicolon in sub-  
25                  section (b)(3)(B);

1           (8) *by inserting after subsection (b)(3)(C) the fol-*  
2     *lowing:*

3                 *“(D) a schedule of rulemakings required to*  
4                 *issue regulations and guidelines for implementa-*  
5                 *tion of the Next Generation Air Transportation*  
6                 *System within a timeframe consistent with the*  
7                 *integrated plan; and”;*

8           (9) *by inserting “and key technologies” after*  
9     *“concepts” in subsection (b)(4);*

10          (10) *by striking “users” in subsection (b)(4) and*  
11     *inserting “users, an implementation plan,”;*

12          (11) *by adding at the end of subsection (b) the*  
13     *following:*

14     *“Within 6 months after the date of enactment of the FAA*  
15     *Air Transportation Modernization and Safety Improve-*  
16     *ment Act, the Administrator shall develop the implementa-*  
17     *tion plan described in paragraph (3) of this subsection and*  
18     *shall update it annually thereafter.”; and*

19          (12) *by striking “2010.” in subsection (e) and*  
20     *inserting “2011.”.*

21     (b) *SENIOR POLICY COMMITTEE MEETINGS.—Section*  
22     *710(a) of such Act (49 U.S.C. 40101 note) is amended by*  
23     *striking “Secretary.” and inserting “Secretary and shall*  
24     *meet at least once each quarter.”.*

1 **SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.**

2 *Section 40102(a)(4) is amended—*

3 *(1) by striking subparagraph (B) and inserting*  
4 *the following:*

5 *“(B) runway lighting and airport surface*  
6 *visual and other navigation aids;”;*

7 *(2) by striking “weather information, signaling,*  
8 *radio-directional finding, or radio or other electro-*  
9 *magnetic communication; and” in subparagraph (C)*  
10 *and inserting “aeronautical and meteorological infor-*  
11 *mation to air traffic control facilities or aircraft, sup-*  
12 *plying communication, navigation or surveillance*  
13 *equipment for air-to-ground or air-to-air applica-*  
14 *tions;”;*

15 *(3) by striking “another structure” in subpara-*  
16 *graph (D) and inserting “any structure, equipment;”;*

17 *(4) by striking “aircraft.” in subparagraph (D)*  
18 *and inserting “aircraft; and”; and*

19 *(5) by adding at the end the following:*

20 *“(E) buildings, equipment, and systems*  
21 *dedicated to the National Airspace System.”.*

22 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
23 **TORY.**

24 *Section 40110(a)(2) is amended by striking “com-*  
25 *ensation; and” and inserting “compensation, and the*



1 *amount received may be credited to the appropriation cur-*  
2 *rent when the amount is received; and”.*

3 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

4 *The Administrator shall make payments to the De-*  
5 *partment of Defense for the education of dependent children*  
6 *of those Administration employees in Puerto Rico and*  
7 *Guam as they are subject to transfer by policy and practice*  
8 *and meet the eligibility requirements of section 2164(c) of*  
9 *title 10, United States Code.*

10 **SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.**

11 *Section 40122(a)(2) is amended to read as follows:*

12 *“(2) DISPUTE RESOLUTION.—*

13 *“(A) MEDIATION.—If the Administrator*  
14 *does not reach an agreement under paragraph*  
15 *(1) or subsection (g)(2)(C) with the exclusive*  
16 *bargaining representatives, the services of the*  
17 *Federal Mediation and Conciliation Service shall*  
18 *be used to attempt to reach such agreement in*  
19 *accordance with part 1425 of title 29, Code of*  
20 *Federal Regulations. The Administrator and*  
21 *bargaining representatives may by mutual agree-*  
22 *ment adopt procedures for the resolution of dis-*  
23 *putes or impasses arising in the negotiation of a*  
24 *collective-bargaining agreement.*

1           “(B) *BINDING ARBITRATION.*—If the serv-  
2           ices of the Federal Mediation and Conciliation  
3           Service under subparagraph (A) do not lead to  
4           an agreement, the Administrator and the bar-  
5           gaining representatives shall submit their issues  
6           in controversy to the Federal Service Impasses  
7           Panel in accordance with section 7119 of title 5.  
8           The Panel shall assist the parties in resolving the  
9           impasse by asserting jurisdiction and ordering  
10          binding arbitration by a private arbitration  
11          board consisting of 3 members in accordance  
12          with section 2471.6(a)(2)(ii) of title 5, Code of  
13          Federal Regulations. The executive director of the  
14          Panel shall request a list of not less than 15  
15          names of arbitrators with Federal sector experi-  
16          ence from the director of the Federal Mediation  
17          and Conciliation Service to be provided to the  
18          Administrator and the bargaining representa-  
19          tives. Within 10 days after receiving the list, the  
20          parties shall each select 1 person. The 2 arbitra-  
21          tors shall then select a third person from the list  
22          within 7 days. If the 2 arbitrators are unable to  
23          agree on the third person, the parties shall select  
24          the third person by alternately striking names  
25          from the list until only 1 name remains. If the

1        *parties do not agree on the framing of the issues*  
2        *to be submitted, the arbitration board shall*  
3        *frame the issues. The arbitration board shall give*  
4        *the parties a full and fair hearing, including an*  
5        *opportunity to present evidence in support of*  
6        *their claims, and an opportunity to present their*  
7        *case in person, by counsel, or by other represent-*  
8        *ative as they may elect. Decisions of the arbitra-*  
9        *tion board shall be conclusive and binding upon*  
10       *the parties. The arbitration board shall render*  
11       *its decision within 90 days after its appoint-*  
12       *ment. The Administrator and the bargaining*  
13       *representative shall share costs of the arbitration*  
14       *equally. The arbitration board shall take into*  
15       *consideration the effect of its arbitration deci-*  
16       *sions on the Federal Aviation Administration's*  
17       *ability to attract and retain a qualified work-*  
18       *force and the Federal Aviation Administration's*  
19       *budget.*

20            *“(C) EFFECT.—Upon reaching a voluntary*  
21        *agreement or at the conclusion of the binding ar-*  
22        *bitration under subparagraph (B) above, the*  
23        *final agreement, except for those matters decided*  
24        *by the arbitration board, shall be subject to rati-*  
25        *fication by the exclusive representative, if so re-*

1        *quested by the exclusive representative, and ap-*  
 2        *proval by the head of the agency in accordance*  
 3        *with subsection (g)(2)(C).*

4                *“(D) ENFORCEMENT.—Enforcement of the*  
 5        *provisions of this paragraph shall be in the*  
 6        *United States District Court for the District of*  
 7        *Columbia.”.*

8    **SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

9        *(a) OEP AIRPORT PROCEDURES.—*

10            *(1) IN GENERAL.—Within 6 months after the*  
 11        *date of enactment of this Act, the Administrator of the*  
 12        *Federal Aviation Administration shall publish a re-*  
 13        *port, after consultation with representatives of appro-*  
 14        *priate Administration employee groups, airport oper-*  
 15        *ators, air carriers, general aviation representatives,*  
 16        *aircraft and avionics manufacturers, and third par-*  
 17        *ties that have received letters of qualification from the*  
 18        *Administration to design and validate required navi-*  
 19        *gation performance flight paths for public use (in this*  
 20        *section referred to as “qualified third parties”) that*  
 21        *includes the following:*

22                *(A) RNP OPERATIONS.—A list of required*  
 23        *navigation performance procedures (as defined*  
 24        *in FAA order 8260.52(d)) to be developed, cer-*  
 25        *tified, and published, and the air traffic control*

1        *operational changes, to maximize the efficiency*  
2        *and capacity of NextGen commercial operations*  
3        *at the 137 small, medium, and large hub air-*  
4        *ports. The Administrator shall clearly identify*  
5        *each required navigation performance operation*  
6        *that is an overlay of an existing instrument*  
7        *flight procedure.*

8                *(B) COORDINATION AND IMPLEMENTATION*  
9        *ACTIVITIES.—A description of the activities and*  
10       *operational changes and approvals required to*  
11       *coordinate and to utilize those procedures at each*  
12       *of the airports in subparagraph (A).*

13               *(C) IMPLEMENTATION PLAN.—A plan for*  
14       *implementation of those procedures that estab-*  
15       *lishes—*

16                *(i) clearly defined budget, schedule,*  
17       *project organization, environmental, and*  
18       *leadership requirements;*

19                *(ii) specific implementation and tran-*  
20       *sition steps;*

21                *(iii) coordination and communications*  
22       *mechanisms with qualified third parties;*

23                *(iv) specific procedures for engaging*  
24       *the appropriate Administration employee*  
25       *groups to ensure that human factors, train-*

1        *ing and other issues surrounding the adop-*  
2        *tion of required navigation performance*  
3        *procedures in the en route and terminal en-*  
4        *vironments are addressed;*

5                *(v) baseline and performance metrics*  
6        *for measuring the Administration's progress*  
7        *in implementing the plan, including the*  
8        *percentage utilization of required naviga-*  
9        *tion performance in the National Airspace*  
10       *System;*

11               *(vi) outcome-based performance metrics*  
12       *to measure progress in implementing RNP*  
13       *procedures that reduce fuel burn and emis-*  
14       *sions;*

15               *(vii) a description of the software and*  
16       *database information, such as a current*  
17       *version of the Noise Integrated Routing Sys-*  
18       *tem or the Integrated Noise Model that the*  
19       *Administration will need to make available*  
20       *to qualified third parties to enable those*  
21       *third parties to design procedures that will*  
22       *meet the broad range of requirements of the*  
23       *Administration;*

24               *(viii) lifecycle management for RNP*  
25       *procedures; and*

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipage to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipage.

(2) *IMPLEMENTATION SCHEDULE.*—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) *OTHER AIRPORTS.*—

(1) *IN GENERAL.*—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation rep-

1        *representatives, aircraft and avionics manufacturers,*  
2        *and qualified third parties, that includes a plan for*  
3        *applying the procedures, requirements, criteria, and*  
4        *metrics described in subsection (a)(1) to other air-*  
5        *ports across the Nation, with priority given to those*  
6        *airports where procedures developed, certified, and*  
7        *published under this section will provide the greatest*  
8        *benefits in terms of safety, capacity, fuel burn, and*  
9        *emissions.*

10            (2) *SURVEYING OBSTACLES SURROUNDING RE-*  
11        *GIONAL AIRPORTS.*—*Not later than 1 year after the*  
12        *date of enactment of that Act, the Administrator, in*  
13        *consultation with the State secretaries of transpor-*  
14        *tation and state, shall identify options and funding*  
15        *mechanisms for surveying obstacles in areas around*  
16        *airports such that can be used as an input to future*  
17        *RNP procedures.*

18            (3) *IMPLEMENTATION SCHEDULE.*—*The Admin-*  
19        *istration shall certify, publish, and implement—*

20                    (A) *25 percent of the required procedures at*  
21                    *such other airports within 18 months after the*  
22                    *date of enactment of this Act;*

23                    (B) *50 percent of the procedures at such*  
24                    *other airports within 30 months after the date of*  
25                    *enactment of this Act;*



1           (C) 75 percent of the procedures at such  
2           other airports within 42 months after the date of  
3           enactment of this Act; and

4           (D) 100 percent of the procedures before  
5           January 1, 2016.

6           (c) *ESTABLISHMENT OF PRIORITIES.*—The Adminis-  
7           tration shall extend the charter of the Performance Based  
8           Navigation Aviation Rulemaking Committee as necessary  
9           to authorize and request it to establish priorities for the de-  
10          velopment, certification, publication, and implementation  
11          of the navigation performance procedures based on their po-  
12          tential safety, efficiency, and congestion benefits.

13          (d) *COORDINATED AND EXPEDITED REVIEW.*—Re-  
14          quired Navigation Performance and other performance-  
15          based navigation procedures developed, certified, published,  
16          and implemented under this section that will measurably  
17          reduce aircraft emissions and result in an absolute reduc-  
18          tion or no net increase in noise levels shall be presumed  
19          to have no significant environmental impact and the Ad-  
20          ministrator shall issue and file a categorical exclusion for  
21          such procedures.

22          (e) *DEPLOYMENT PLAN FOR NATIONWIDE DATA COM-*  
23          *MUNICATIONS SYSTEM.*—Within 1 year after the date of en-  
24          actment of this Act, the Administrator shall submit a plan  
25          for implementation of a nationwide communications system

1 *to the Senate Committee on Commerce, Science, and Trans-*  
2 *portation and the House of Representatives Committee on*  
3 *Transportation and Infrastructure. The plan shall in-*  
4 *clude—*

5           (1) *clearly defined budget, schedule, project orga-*  
6           *nization, and leadership requirements;*

7           (2) *specific implementation and transition steps;*  
8           *and*

9           (3) *baseline and performance metrics for meas-*  
10          *uring the Administration's progress in implementing*  
11          *the plan.*

12          (f) *IMPROVED PERFORMANCE STANDARDS.—Within*  
13 *90 days after the date of enactment of this Act, the Adminis-*  
14 *trator shall submit a report to the Senate committee on*  
15 *commerce, Science, and Transportation and the House of*  
16 *Representatives Committee on Transportation and Infra-*  
17 *structure that—*

18           (1) *evaluates whether utilization of ADS-B,*  
19           *RNP, and other technologies as part of the NextGen*  
20           *Air Transportation System implementation plan will*  
21           *display the position of aircraft more accurately and*  
22           *frequently so as to enable a more efficient use of exist-*  
23           *ing airspace and result in reduced consumption of*  
24           *aviation fuel and aircraft engine emissions;*

1           (2) *evaluates the feasibility of reducing aircraft*  
2           *separation standards in a safe manner as a result of*  
3           *implementation of such technologies; and*

4           (3) *if the Administrator determines that such*  
5           *standards can be reduced safely, includes a timetable*  
6           *for implementation of such reduced standards.*

7   **SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.**

8           (a) *IN GENERAL.*—

9           (1) *REPORT REQUIRED.*—*Within 90 days after*  
10          *the date of enactment of this Act, the Administrator*  
11          *shall submit a report to the Senate Committee on*  
12          *Commerce, Science, and Transportation and the*  
13          *House of Representatives Committee on Transpor-*  
14          *tation and Infrastructure detailing the Administra-*  
15          *tion's program and schedule for integrating ADS-B*  
16          *technology into the National Airspace System. The re-*  
17          *port shall include—*

18                (A) *a clearly defined budget, schedule,*  
19                *project organization, leadership, and the specific*  
20                *implementation or transition steps required to*  
21                *achieve these ADS-B ground station installation*  
22                *goals;*

23                (B) *a transition plan for ADS-B that in-*  
24                *cludes date-specific milestones for the implemen-*

1        *tation of new capabilities into the National Air-*  
 2        *space System;*

3            *(C) identification of any potential oper-*  
 4        *ational or workforce changes resulting from de-*  
 5        *ployment of ADS-B;*

6            *(D) detailed plans and schedules for imple-*  
 7        *mentation of advanced operational procedures*  
 8        *and ADS-B air-to-air applications; and*

9            *(E) baseline and performance metrics in*  
 10       *order to measure the agency's progress.*

11        *(2) IDENTIFICATION AND MEASUREMENT OF BEN-*  
 12       *EFITS.—In the report required by paragraph (1), the*  
 13       *Administrator shall identify actual benefits that will*  
 14       *accrue to National Airspace System users, small and*  
 15       *medium-sized airports, and general aviation users*  
 16       *from deployment of ADS-B and provide an expla-*  
 17       *nation of the metrics used to quantify those benefits.*

18       *(b) RULEMAKINGS.—*

19            *(1) ADS-B OUT.—Not later than 45 days after*  
 20       *the date of enactment of this Act the Administrator*  
 21       *shall—*

22            *(A) complete the initial rulemaking pro-*  
 23       *ceeding (Docket No. FAA-2007-29305; Notice*  
 24       *No. 07-15; 72 FR 56947) to issue guidelines and*  
 25       *regulations for ADS-B Out technology that—*

1                   (i) *identify the ADS–B Out technology*  
2                   *that will be required under NextGen;*

3                   (ii) *subject to paragraph (3), require*  
4                   *all aircraft to be equipped with such tech-*  
5                   *nology by 2015; and*

6                   (iii) *identify—*

7                         (I) *the type of such avionics re-*  
8                         *quired of aircraft for all classes of air-*  
9                         *space;*

10                        (II) *the expected costs associated*  
11                        *with the avionics; and*

12                        (III) *the expected uses and bene-*  
13                        *fits of the avionics; and*

14                   (B) *initiate a rulemaking proceeding to*  
15                   *issue any additional guidelines and regulations*  
16                   *for ADS–B Out technology not addressed in the*  
17                   *initial rulemaking.*

18                   (2) *ADS–B IN.—Not later than 45 days after the*  
19                   *date of enactment of this Act the Administrator shall*  
20                   *initiate a rulemaking proceeding to issue guidelines*  
21                   *and regulations for ADS–B In technology that—*

22                         (A) *identify the ADS–B In technology that*  
23                         *will be required under NextGen;*

1           (B) subject to paragraph (3), require all  
2           aircraft to be equipped with such technology by  
3           2018; and

4           (C) identify—

5                 (i) the type of such avionics required of  
6                 aircraft for all classes of airspace;

7                 (ii) the expected costs associated with  
8                 the avionics; and

9                 (iii) the expected uses and benefits of  
10                the avionics.

11           (3) *READINESS VERIFICATION.*—Before the date  
12           on which all aircraft are required to be equipped with  
13           ADS-B technology pursuant to rulemakings under  
14           paragraphs (1) and (2), the Air Traffic Control Mod-  
15           ernization Oversight Board shall verify that—

16                 (A) the necessary ground infrastructure is  
17                 installed and functioning properly;

18                 (B) certification standards have been ap-  
19                 proved; and

20                 (C) appropriate operational platforms  
21                 interface safely and efficiently.

22           (c) *USES.*—Within 18 months after the date of enact-  
23           ment of this Act, the Administrator shall develop, in con-  
24           sultation with appropriate employee groups, a plan for the

1 *use of ADS-B technology for surveillance and active air*  
2 *traffic control by 2015. The plans shall—*

3 *(1) include provisions to test the use of ADS-B*  
4 *prior to the 2015 deadline for surveillance and active*  
5 *air traffic control in specific regions of the country*  
6 *with the most congested airspace;*

7 *(2) identify the equipment required at air traffic*  
8 *control facilities and the training required for air*  
9 *traffic controllers;*

10 *(3) develop procedures, in consultation with ap-*  
11 *propriate employee groups, to conduct air traffic*  
12 *management in mixed equipage environments; and*

13 *(4) establish a policy in these test regions, with*  
14 *consultation from appropriate employee groups, to*  
15 *provide incentives for equipage with ADS-B tech-*  
16 *nology by giving priority to aircraft equipped with*  
17 *such technology before the 2015 and 2018 equipage*  
18 *deadlines.*

19 *(d) CONDITIONAL EXTENSION OF DEADLINES FOR*  
20 *EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.—*

21 *(1) ADS-B OUT.—In the case that the Adminis-*  
22 *trator fails to complete the initial rulemaking de-*  
23 *scribed in subparagraph (A) of subsection (b)(1) on or*  
24 *before the date that is 45 days after the date of the*  
25 *enactment of this Act, the deadline described in clause*

(ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) *ADS-B IN*.—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

**SEC. 316. EQUIPAGE INCENTIVES.**

(a) *IN GENERAL*.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;



1           (2) *identifies the costs and benefits of each op-*  
2           *tion; and*

3           (3) *includes input from industry stakeholders,*  
4           *including passenger and cargo air carriers, aerospace*  
5           *manufacturers, and general aviation aircraft opera-*  
6           *tors.*

7           (b) *DEADLINE.*—*The Administrator shall issue the re-*  
8           *port before the earlier of—*

9                 (1) *the date that is 6 months after the date of*  
10            *enactment of this Act; or*

11                (2) *the date on which aircraft are required to be*  
12            *equipped with ADS-B technology pursuant to*  
13            *rulemakings under section 315(b) of this Act.*

14   **SEC. 317. PERFORMANCE METRICS.**

15           (a) *IN GENERAL.*—*No later than June 1, 2010, the Ad-*  
16           *ministrator shall establish and track National Airspace*  
17           *System performance metrics, including, at a minimum—*

18                 (1) *the allowable operations per hour on run-*  
19            *ways;*

20                 (2) *average gate-to-gate times;*

21                 (3) *fuel burned between key city pairs;*

22                 (4) *operations using the advanced procedures*  
23            *implemented under section 314 of this Act;*

24                 (5) *average distance flown between key city*  
25            *pairs;*

1           (6) *time between pushing back from the gate and*  
2     *taking off;*

3           (7) *uninterrupted climb or descent;*

4           (8) *average gate arrival delay for all arrivals;*

5           (9) *flown versus filed flight times for key city*  
6     *pairs; and*

7           (10) *metrics to demonstrate reduced fuel burn*  
8     *and reduced emissions.*

9           (b) *OPTIMAL BASELINES.*—*The Administrator, in con-*  
10   *sultation with aviation industry stakeholders, shall identify*  
11   *optimal baselines for each of these metrics and appropriate*  
12   *methods to measure deviations from these baselines.*

13          (c) *PUBLICATION.*—*The Administration shall make the*  
14   *data obtained under subsection (a) available to the public*  
15   *in a searchable, sortable, downloadable format through its*  
16   *website and other appropriate media.*

17          (d) *REPORTS.*—

18           (1) *INITIAL REPORT.*—*Not later than 90 days*  
19   *after the date of enactment of this Act, the Adminis-*  
20   *trator shall submit to the Senate Committee on Com-*  
21   *merce, Science, and Transportation and the House of*  
22   *Representatives Committee on Transportation and*  
23   *Infrastructure that contains—*

24           (A) *a description of the metrics that will be*  
25    *used to measure the Administration's progress in*

1           *implementing NextGen Air Transportation Sys-*  
2           *tem capabilities and operational results; and*

3           *(B) information about how any additional*  
4           *metrics were developed.*

5           (2) *ANNUAL PROGRESS REPORT.*—*The Adminis-*  
6           *trator shall submit an annual progress report to those*  
7           *committees on the Administration’s progress in im-*  
8           *plementing NextGen Air Transportation System.*

9   **SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.**

10          (a) *IN GENERAL.*—*Within 6 months after the date of*  
11          *enactment of this Act, the Administrator shall develop a*  
12          *plan to accelerate and streamline the process for certifi-*  
13          *cation of NextGen technologies, including—*

14                (1) *updated project plans and timelines to meet*  
15                *the deadlines established by this title;*

16                (2) *identification of the specific activities needed*  
17                *to certify core NextGen technologies, including the es-*  
18                *tablishment of NextGen technical requirements for the*  
19                *manufacture of equipage, installation of equipage,*  
20                *airline operational procedures, pilot training stand-*  
21                *ards, air traffic control procedures, and air traffic*  
22                *controller training;*

23                (3) *staffing requirements for the Air Certifi-*  
24                *cation Service and the Flight Standards Service, and*  
25                *measures addressing concerns expressed by the De-*

partment of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) *performance metrics to measure the Administration's progress.*

(b) *CERTIFICATION INTEGRITY.*—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

14 *SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECH-*  
15 *NOLOGY.*

16        *Not later than 120 days after the date of the enactment*  
17   *of this Act, the Administrator of the Federal Aviation Ad-*  
18   *ministration shall submit to Congress a report that con-*  
19   *tains—*

(1) a financing proposal that—

*(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and*

1           (B) takes into consideration opportunities  
2           for involvement by public-private partnerships;  
3           and

4           (C) recommends creative financing pro-  
5           posals other than user fees or higher taxes; and

6           (2) recommendations with respect to how the Ad-  
7           ministrator and Congress can provide operational  
8           benefits, such as benefits relating to preferred air-  
9           space, routings, or runway access, for all aircraft, in-  
10          cluding air carriers and general aviation, that equip  
11          their aircraft with technology necessary for the oper-  
12          ation of the Next Generation Air Transportation Sys-  
13          tem before the date by which the Administrator re-  
14          quires the use of such technology.

15 **SEC. 320. UNMANNED AERIAL SYSTEMS.**

16          (a) *IN GENERAL.*—Within 1 year after the date of en-  
17          actment of this Act, the Administrator shall develop a plan  
18          to accelerate the integration of unmanned aerial systems  
19          into the National Airspace System that—

20               (1) creates a pilot project to integrate such vehi-  
21               cles into the National Airspace System at 4 test sites  
22               in the National Airspace System by 2012;

23               (2) creates a safe, non-exclusionary airspace des-  
24               ignation for cooperative manned and unmanned  
25               flight operations in the National Airspace System;

1           (3) *establishes a process to develop—*

2                   (A) *air traffic requirements for all un-*  
3                   *manned aerial systems at the test sites; and*

4                   (B) *certification and flight standards for*  
5                   *nonmilitary unmanned aerial systems at the test*  
6                   *sites;*

7           (4) *dedicates funding for unmanned aerial sys-*  
8                   *tems research and development relating to—*

9                   (A) *air traffic requirements; and*

10                  (B) *certification and flight standards for*  
11                  *nonmilitary unmanned aerial systems in the Na-*  
12                  *tional Airspace System;*

13           (5) *encourages leveraging and coordination of*  
14                   *such research and development activities with the Na-*  
15                   *tional Aeronautics and Space Administration and the*  
16                   *Department of Defense;*

17           (6) *addresses both military and nonmilitary un-*  
18                   *manned aerial system operations;*

19           (7) *ensures that the unmanned aircraft systems*  
20                   *integration plan is incorporated in the Administra-*  
21                   *tion's NextGen Air Transportation System implemen-*  
22                   *tation plan; and*

23           (8) *provides for integration into the National*  
24                   *Airspace System of safety standards and navigation*  
25                   *procedures validated—*

1           (A) under the pilot project created pursuant  
2           to paragraph (1); or

3           (B) through other related research and de-  
4           velopment activities carried out pursuant to  
5           paragraph (4).

6       (b) *SELECTION OF TEST SITES.*—

7           (1) *INCREASED NUMBER OF TEST SITES; DEAD-*  
8           *LINE FOR PILOT PROJECT.*—Notwithstanding sub-  
9           section (a)(1), the plan developed under subsection (a)  
10          shall include a pilot project to integrate unmanned  
11          aerial systems into the National Airspace System at  
12          6 test sites in the National Airspace System by De-  
13          cember 31, 2012.

14          (2) *TEST SITE CRITERIA.*—The Administrator of  
15          the Federal Aviation Administration shall take into  
16          consideration geographical and climate diversity and  
17          appropriate facilities in determining where the test  
18          sites to be established under the pilot project required  
19          by subsection (a)(1) are to be located.

20          (c) *CERTIFICATION AND FLIGHT STANDARDS FOR*  
21          *MILITARY UNMANNED AERIAL SYSTEMS.*—The Secretary of  
22          Defense shall establish a process to develop certification and  
23          flight standards for military unmanned aerial systems at  
24          the test sites referred to in subsection (a)(1).

1       (d) *CERTIFICATION PROCESS.*—*The Administrator of*  
2 *the Federal Aviation Administration shall expedite the ap-*  
3 *proval process for requests for certificates of authorization*  
4 *at test sites referred to in subsection (a)(1).*

5       (e) *REPORT ON SYSTEMS AND DETECTION TECH-*  
6 *NIQUES.*—*Not later than 180 days after the date of the en-*  
7 *actment of this Act, the Administrator of the Federal Avia-*  
8 *tion Administration shall submit to the Committee on Com-*  
9 *merce, Science, and Transportation of the Senate and the*  
10 *Committee on Transportation and Infrastructure of the*  
11 *House of Representatives a report describing and assessing*  
12 *the progress being made in establishing special use airspace*  
13 *to fill the immediate need of the Department of Defense to*  
14 *develop detection techniques for small unmanned aerial ve-*  
15 *hicles and to validate sensor integration and operation of*  
16 *unmanned aerial systems.*

17 **SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.**

18       (a) *IN GENERAL.*—*The Air Traffic Organization*  
19 *shall—*

20               (1) *evaluate the Airport Surface Detection*  
21 *Equipment-Model X program for its potential con-*  
22 *tribution to implementation of the NextGen initiative;*

23               (2) *evaluate airport surveillance technologies and*  
24 *associated collaborative surface management software*



1     *for potential contributions to implementation of*  
2     *NextGen surface management;*

3             *(3) accelerate implementation of the program;*  
4     *and*

5             *(4) carry out such additional duties as the Ad-*  
6     *ministrator may require.*

7     ***(b) EXPEDITED CERTIFICATION AND UTILIZATION.—***  
8     *The Administrator shall—*

9             *(1) consider options for expediting the certifi-*  
10     *cation of Ground Based Augmentation System tech-*  
11     *nology; and*

12             *(2) develop a plan to utilize such a system at the*  
13     *35 Operational Evolution Partnership airports by*  
14     *September 30, 2012.*

15     **SEC. 322. STAKEHOLDER COORDINATION.**

16     ***(a) IN GENERAL.—****The Administrator shall establish*  
17     *a process for including qualified employees selected by each*  
18     *exclusive collective bargaining representative of employees*  
19     *of the Administration who are likely to be affected by the*  
20     *planning, development, and deployment of air traffic con-*  
21     *trol modernization projects (including the Next Generation*  
22     *Air Transportation System) in, and collaborating with,*  
23     *such employees in the planning, development, and deploy-*  
24     *ment of those projects.*

25     ***(b) PARTICIPATION.—***

1           (1) *BARGAINING OBLIGATIONS AND RIGHTS.*—  
2     *Participation in the process described in subsection*  
3     *(a) shall not be construed as a waiver of any bar-*  
4     *gaining obligations or rights under section*  
5     *40122(a)(1) or 40122(g)(2)(C) of title 49, United*  
6     *States Code.*

7           (2) *CAPACITY AND COMPENSATION.*—*Exclusive*  
8     *collective bargaining representatives and selected em-*  
9     *ployees participating in the process described in sub-*  
10    *section (a) shall—*

11           (A) *serve in a collaborative and advisory*  
12           *capacity; and*

13           (B) *receive appropriate travel and per diem*  
14           *expenses in accordance with the travel policies of*  
15           *the Administration in addition to any regular*  
16           *compensation and benefits.*

17           (c) *REPORT.*—*No later than 180 days after the date*  
18     *of enactment of this Act, the Administrator shall submit*  
19     *a report on the implementation of this section to the Senate*  
20     *Committee on Commerce, Science, and Transportation and*  
21     *the House of Representatives Committee on Transportation*  
22     *and Infrastructure.*

1 **SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
2 **CILITY CONDITIONS.**

3 (a) *ESTABLISHMENT.*—*The Administrator shall estab-*  
4 *lish a special task force to be known as the “FAA Task*  
5 *Force on Air Traffic Control Facility Conditions”.*

6 (b) *MEMBERSHIP.*—

7 (1) *COMPOSITION.*—*The Task Force shall be com-*  
8 *posed of 11 members of whom—*

9 (A) *7 members shall be appointed by the*  
10 *Administrator; and*

11 (B) *4 members shall be appointed by labor*  
12 *unions representing employees who work at field*  
13 *facilities of the Administration.*

14 (2) *QUALIFICATIONS.*—*Of the members ap-*  
15 *pointed by the Administrator under paragraph*  
16 *(1)(A)—*

17 (A) *4 members shall be specialists on toxic*  
18 *mold abatement, “sick building syndrome,” and*  
19 *other hazardous building conditions that can*  
20 *lead to employee health concerns and shall be ap-*  
21 *pointed by the Administrator in consultation*  
22 *with the Director of the National Institute for*  
23 *Occupational Safety and Health; and*

24 (B) *2 members shall be specialists on the re-*  
25 *habilitation of aging buildings.*

1           (3) *TERMS.*—*Members shall be appointed for the*  
2           *life of the Task Force.*

3           (4) *VACANCIES.*—*A vacancy in the Task Force*  
4           *shall be filled in the manner in which the original*  
5           *appointment was made.*

6           (5) *TRAVEL EXPENSES.*—*Members shall serve*  
7           *without pay but shall receive travel expenses, includ-*  
8           *ing per diem in lieu of subsistence, in accordance*  
9           *with subchapter I of chapter 57 of title 5, United*  
10          *States Code.*

11          (c) *CHAIRPERSON.*—*The Administrator shall des-*  
12          *ignate, from among the individuals appointed under sub-*  
13          *section (b)(1), an individual to serve as chairperson of the*  
14          *Task Force.*

15          (d) *TASK FORCE PERSONNEL MATTERS.*—

16               (1) *STAFF.*—*The Task Force may appoint and*  
17               *fix the pay of such personnel as it considers appro-*  
18               *priate.*

19               (2) *STAFF OF FEDERAL AGENCIES.*—*Upon re-*  
20               *quest of the Chairperson of the Task Force, the head*  
21               *of any department or agency of the United States*  
22               *may detail, on a reimbursable basis, any of the per-*  
23               *sonnel of that department or agency to the Task Force*  
24               *to assist it in carrying out its duties under this sec-*  
25               *tion.*

1           (3) *OTHER STAFF AND SUPPORT.*—Upon request  
2       of the Task Force or a panel of the Task Force, the  
3       Administrator shall provide the Task Force or panel  
4       with professional and administrative staff and other  
5       support, on a reimbursable basis, to the Task Force  
6       to assist it in carrying out its duties under this sec-  
7       tion.

8           (e) *OBTAINING OFFICIAL DATA.*—The Task Force may  
9       secure directly from any department or agency of the  
10      United States information (other than information required  
11      by any statute of the United States to be kept confidential  
12      by such department or agency) necessary for the Task Force  
13      to carry out its duties under this section. Upon request of  
14      the chairperson of the Task Force, the head of that depart-  
15      ment or agency shall furnish such information to the Task  
16      Force.

17          (f) *DUTIES.*—

18               (1) *STUDY.*—The Task Force shall undertake a  
19      study of—

20                       (A) the conditions of all air traffic control  
21                       facilities across the Nation, including towers,  
22                       centers, and terminal radar air control;

23                       (B) reports from employees of the Adminis-  
24                       tration relating to respiratory ailments and  
25                       other health conditions resulting from exposure

1        *to mold, asbestos, poor air quality, radiation*  
2        *and facility-related hazards in facilities of the*  
3        *Administration;*

4            *(C) conditions of such facilities that could*  
5        *interfere with such employees' ability to effec-*  
6        *tively and safely perform their duties;*

7            *(D) the ability of managers and supervisors*  
8        *of such employees to promptly document and*  
9        *seek remediation for unsafe facility conditions;*

10           *(E) whether employees of the Administra-*  
11        *tion who report facility-related illnesses are*  
12        *treated fairly;*

13           *(F) utilization of scientifically approved re-*  
14        *mediation techniques in a timely fashion once*  
15        *hazardous conditions are identified in a facility*  
16        *of the Administration; and*

17           *(G) resources allocated to facility mainte-*  
18        *nance and renovation by the Administration.*

19        *(2) FACILITY CONDITION INDICES.—The Task*  
20        *Force shall review the facility condition indices of the*  
21        *Administration for inclusion in the recommendations*  
22        *under subsection (g).*

23        *(g) RECOMMENDATIONS.—Based on the results of the*  
24        *study and review of the facility condition indices under sub-*

1 *section (f), the Task Force shall make recommendations as*  
2 *it considers necessary to—*

3           (1) *prioritize those facilities needing the most*  
4 *immediate attention in order of the greatest risk to*  
5 *employee health and safety;*

6           (2) *ensure that the Administration is using sci-*  
7 *entifically approved remediation techniques in all fa-*  
8 *cilities; and*

9           (3) *assist the Administration in making pro-*  
10 *grammatic changes so that aging air traffic control*  
11 *facilities do not deteriorate to unsafe levels.*

12       (h) *REPORT.—Not later than 6 months after the date*  
13 *on which initial appointments of members to the Task*  
14 *Force are completed, the Task Force shall submit a report*  
15 *to the Administrator, the Senate Committee on Commerce,*  
16 *Science, and Transportation, and the House of Representa-*  
17 *tives Committee on Transportation and Infrastructure on*  
18 *the activities of the Task Force, including the recommenda-*  
19 *tions of the Task Force under subsection (g).*

20       (i) *IMPLEMENTATION.—Within 30 days after receipt*  
21 *of the Task Force report under subsection (h), the Adminis-*  
22 *trator shall submit to the House of Representatives Com-*  
23 *mittee on Transportation and Infrastructure and the Sen-*  
24 *ate Committee on Commerce, Science, and Transportation*  
25 *a report that includes a plan and timeline to implement*

1 *the recommendations of the Task Force and to align future*  
 2 *budgets and priorities of the Administration accordingly.*

3 (j) *TERMINATION.—The Task Force shall terminate on*  
 4 *the last day of the 30-day period beginning on the date on*  
 5 *which the report under subsection (h) is submitted.*

6 (k) *APPLICABILITY OF THE FEDERAL ADVISORY COM-*  
 7 *MITTEE ACT.—The Federal Advisory Committee Act (5*  
 8 *U.S.C. App.) shall not apply to the Task Force.*

9 **SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.**

10 (a) *IN GENERAL.—*

11 (1) *COOPERATIVE AGREEMENTS.—Subject to the*  
 12 *provisions of this section, the Secretary of Transpor-*  
 13 *tation may enter into cooperative agreements with*  
 14 *not to exceed 5 States for the establishment of State*  
 15 *ADS-B equipage banks for making loans and pro-*  
 16 *viding other assistance to public entities for projects*  
 17 *eligible for assistance under this section.*

18 (b) *FUNDING.—*

19 (1) *SEPARATE ACCOUNT.—An ADS-B equipage*  
 20 *bank established under this section shall maintain a*  
 21 *separate aviation trust fund account for Federal*  
 22 *funds contributed to the bank under paragraph (2).*  
 23 *No Federal funds contributed or credited to an ac-*  
 24 *count of an ADS-B equipage bank established under*  
 25 *this section may be commingled with Federal funds*



1        *contributed or credited to any other account of such*  
2        *bank.*

3            (2) *AUTHORIZATION.—There are authorized to be*  
4        *appropriated to the Secretary \$25,000,000 for each of*  
5        *fiscal years 2010 through 2014.*

6        (c) *FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE*  
7        *BANKS.—An ADS–B equipage bank established under this*  
8        *section may make loans or provide other assistance to a*  
9        *public entity in an amount equal to all or part of the cost*  
10       *of carrying out a project eligible for assistance under this*  
11       *section. The amount of any loan or other assistance pro-*  
12       *vided for such project may be subordinated to any other*  
13       *debt financing for the project.*

14       (d) *QUALIFYING PROJECTS.—Federal funds in the*  
15       *ADS–B equipage account of an ADS–B equipage bank es-*  
16       *tablished under this section may be used only to provide*  
17       *assistance with respect to aircraft ADS–B and related avi-*  
18       *onics equipage.*

19       (e) *REQUIREMENTS.—In order to establish an ADS–*  
20       *B equipage bank under this section, each State establishing*  
21       *such a bank shall—*

22            (1) *contribute, at a minimum, in each account*  
23        *of the bank from non-Federal sources an amount*  
24        *equal to 50 percent of the amount of each capitaliza-*

1        *tion grant made to the State and contributed to the*  
2        *bank;*

3            *(2) ensure that the bank maintains on a con-*  
4        *tinuing basis an investment grade rating on its debt*  
5        *issuances or has a sufficient level of bond or debt fi-*  
6        *nancing instrument insurance to maintain the viabil-*  
7        *ity of the bank;*

8            *(3) ensure that investment income generated by*  
9        *funds contributed to an account of the bank will be—*

10            *(A) credited to the account;*

11            *(B) available for use in providing loans and*  
12        *other assistance to projects eligible for assistance*  
13        *from the account; and*

14            *(C) invested in United States Treasury se-*  
15        *curities, bank deposits, or such other financing*  
16        *instruments as the Secretary may approve to*  
17        *earn interest to enhance the leveraging of projects*  
18        *assisted by the bank;*

19            *(4) ensure that any loan from the bank will bear*  
20        *interest at or below market interest rates, as deter-*  
21        *mined by the State, to make the project that is the*  
22        *subject of the loan feasible;*

23            *(5) ensure that the term for repaying any loan*  
24        *will not exceed 10 years after the date of the first*  
25        *payment on the loan; and*

1           (6) *require the bank to make an annual report*  
2           *to the Secretary on its status no later than September*  
3           *30 of each year for which funds are made available*  
4           *under this section, and to make such other reports as*  
5           *the Secretary may require by guidelines.*

6 **SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC**  
7           **RECOMMENDATIONS.**

8           (a) *IN GENERAL.*—*As soon as practicable after the*  
9           *date of enactment of this Act, but no later than 1 year after*  
10          *that date, the Administrator of the Federal Aviation Ad-*  
11          *ministration shall—*

12           (1) *provide the Los Angeles International Air*  
13          *Traffic Control Tower facility, the Southern Cali-*  
14          *ifornia Terminal Radar Approach Control facility,*  
15          *and the Northern California Terminal Radar Ap-*  
16          *proach Control facility a sufficient number of con-*  
17          *tract instructors, classroom space (including off-site*  
18          *locations as needed), and simulators for a surge in*  
19          *the number of new air traffic controllers at those fa-*  
20          *cilities;*

21           (2) *to the greatest extent practicable, distribute*  
22          *the placement of new trainee air traffic controllers at*  
23          *those facilities evenly across the calendar year in*  
24          *order to avoid training bottlenecks;*

1           (3) *commission an independent analysis, in con-*  
 2           *sultation with the Administration and the exclusive*  
 3           *bargaining representative of air traffic controllers cer-*  
 4           *tified under section 7111 of title 5, United States*  
 5           *Code, of overtime scheduling practices at those facili-*  
 6           *ties; and*

7           (4) *to the greatest extent practicable, provide pri-*  
 8           *ority to certified professional controllers-in-training*  
 9           *when filling staffing vacancies at those facilities.*

10          (b) *STAFFING ANALYSES AND REPORTS.—For the pur-*  
 11         *poses of—*

12           (1) *the Federal Aviation Administration’s an-*  
 13           *nual controller workforce plan,*

14           (2) *the Administration’s facility-by-facility au-*  
 15           *thorized staffing ranges, and*

16           (3) *any report of air traffic controller staffing*  
 17           *levels submitted to the Congress,*

18         *the Administrator may not consider an individual to be*  
 19         *an air traffic controller unless that individual is a certified*  
 20         *professional controller.*

21         **SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER**  
 22                 **SKIES PROJECT.**

23           (a) *INITIAL REPORT.—Not later than 180 days after*  
 24           *the date of the enactment of this Act, the Administrator*  
 25           *shall submit to Congress a report on the strategy of the Ad-*

1 *ministrator for implementing, on an accelerated basis, the*  
2 *NextGen operational capabilities produced by the Greener*  
3 *Skies project, as recommended in the final report of the*  
4 *RTCA NextGen Mid-Term Implementation Task Force that*  
5 *was issued on September 9, 2009.*

6 *(b) SUBSEQUENT REPORTS.—*

7 *(1) IN GENERAL.—Not later than 180 days after*  
8 *the Administrator submits to Congress the report re-*  
9 *quired by subsection (a) and not less frequently than*  
10 *once every 180 days thereafter until September 30,*  
11 *2011, the Administrator shall submit to the Com-*  
12 *mittee on Commerce, Science, and Transportation of*  
13 *the Senate and to the Committee on Transportation*  
14 *and Infrastructure of the House of Representatives a*  
15 *report on the progress of the Administrator in car-*  
16 *rying out the strategy described in the report sub-*  
17 *mitted under subsection (a).*

18 *(2) CONTENTS.—Each report submitted under*  
19 *paragraph (1) shall include the following:*

20 *(A) A timeline for full implementation of*  
21 *the strategy described in the report submitted*  
22 *under subsection (a).*

23 *(B) A description of the progress made in*  
24 *carrying out such strategy.*

1           (C) *A description of the challenges, if any,*  
2           *encountered by the Administrator in carrying*  
3           *out such strategy.*

4 **SEC. 327. DEFINITIONS.**

5       *In this title:*

6           (1) *ADMINISTRATION.—The term “Administra-*  
7           *tion” means the Federal Aviation Administration.*

8           (2) *ADMINISTRATOR.—The term “Adminis-*  
9           *trator” means the Administrator of the Federal Avia-*  
10          *tion Administration.*

11          (3) *NEXTGEN.—The term “NextGen” means the*  
12          *Next Generation Air Transportation System.*

13          (4) *SECRETARY.—The term “Secretary” means*  
14          *the Secretary of Transportation.*

15 **SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUI-**  
16               **PAGE.**

17          (a) *IN GENERAL.—The Administrator of the Federal*  
18          *Aviation Administration may enter into agreements to fund*  
19          *the costs of equipping aircraft with communications, sur-*  
20          *veillance, navigation, and other avionics to enable NextGen*  
21          *air traffic control capabilities.*

22          (b) *FUNDING INSTRUMENT.—The Administrator may*  
23          *make grants or other instruments authorized under section*  
24          *106(l)(6) of title 49, United States Code, to carry out sub-*  
25          *section (a).*

1 **TITLE IV—AIRLINE SERVICE AND**  
 2 **SMALL COMMUNITY AIR SERV-**  
 3 **ICE IMPROVEMENTS**

4 **SUBTITLE A—CONSUMER PROTECTION**

5 **SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.**

6 (a) *IN GENERAL.*—Chapter 417 is amended by adding  
 7 at the end the following:

8 “SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE  
 9 “§41781. *Air carrier and airport contingency plans*  
 10 *for long on-board tarmac delays*

11 “(a) *DEFINITION OF TARMAC DELAY.*—The term  
 12 ‘tarmac delay’ means the holding of an aircraft on the  
 13 ground before taking off or after landing with no oppor-  
 14 tunity for its passengers to deplane.

15 “(b) *SUBMISSION OF AIR CARRIER AND AIRPORT*  
 16 *PLANS.*—Not later than 60 days after the date of the enact-  
 17 ment of the FAA Air Transportation Modernization and  
 18 Safety Improvement Act, each air carrier and airport oper-  
 19 ator shall submit, in accordance with the requirements  
 20 under this section, a proposed contingency plan to the Sec-  
 21 retary of Transportation for review and approval.

22 “(c) *MINIMUM STANDARDS.*—The Secretary of Trans-  
 23 portation shall establish minimum standards for elements  
 24 in contingency plans required to be submitted under this  
 25 section to ensure that such plans effectively address long on-

1 board tarmac delays and provide for the health and safety  
2 of passengers and crew.

3 “(d) *AIR CARRIER PLANS.*—The plan shall require  
4 each air carrier to implement at a minimum the following:

5 “(1) *PROVISION OF ESSENTIAL SERVICES.*—Each  
6 air carrier shall provide for the essential needs of pas-  
7 sengers on board an aircraft at an airport in any  
8 case in which the departure of a flight is delayed or  
9 disembarkation of passengers on an arriving flight  
10 that has landed is substantially delayed, including—

11 “(A) adequate food and potable water;

12 “(B) adequate restroom facilities;

13 “(C) cabin ventilation and comfortable  
14 cabin temperatures; and

15 “(D) access to necessary medical treatment.

16 “(2) *RIGHT TO DEPLANE.*—

17 “(A) *IN GENERAL.*—Each air carrier shall  
18 submit a proposed contingency plan to the Sec-  
19 retary of Transportation that identifies a clear  
20 time frame under which passengers would be  
21 permitted to deplane a delayed aircraft. After the  
22 Secretary has reviewed and approved the pro-  
23 posed plan, the air carrier shall make the plan  
24 available to the public.

25 “(B) *DELAYS.*—



1           “(i) *IN GENERAL.*—As part of the  
2           plan, except as provided under clause (iii),  
3           an air carrier shall provide passengers with  
4           the option of deplaning and returning to the  
5           terminal at which such deplaning could be  
6           safely completed, or deplaning at the ter-  
7           minal if—

8                     “(I) 3 hours have elapsed after  
9                     passengers have boarded the aircraft,  
10                    the aircraft doors are closed, and the  
11                    aircraft has not departed; or

12                   “(II) 3 hours have elapsed after  
13                    the aircraft has landed and the pas-  
14                    sengers on the aircraft have been un-  
15                    able to deplane.

16           “(ii) *FREQUENCY.*—The option de-  
17           scribed in clause (i) shall be offered to pas-  
18           sengers at a minimum not less often than  
19           once during each successive 3-hour period  
20           that the plane remains on the ground.

21           “(iii) *EXCEPTIONS.*—This subpara-  
22           graph shall not apply if—

23                    “(I) the pilot of such aircraft rea-  
24                    sonably determines that the aircraft  
25                    will depart or be unloaded at the ter-

1                    *minal not later than 30 minutes after*  
2                    *the 3 hour delay; or*

3                    *“(II) the pilot of such aircraft*  
4                    *reasonably determines that permitting*  
5                    *a passenger to deplane would jeop-*  
6                    *ardize passenger safety or security.*

7                    *“(C) APPLICATION TO DIVERTED*  
8                    *FLIGHTS.—This section applies to aircraft with-*  
9                    *out regard to whether they have been diverted to*  
10                   *an airport other than the original destination.*

11                   *“(D) REPORTS.—Not later than 30 days*  
12                   *after any flight experiences a tarmac delay last-*  
13                   *ing at least 3 hours, the air carrier responsible*  
14                   *for such flight shall submit a written description*  
15                   *of the incident and its resolution to the Aviation*  
16                   *Consumer Protection Office of the Department of*  
17                   *Transportation.*

18                   *“(e) AIRPORT PLANS.—Each airport operator shall*  
19                   *submit a proposed contingency plan under subsection (b)*  
20                   *that contains a description of—*

21                   *“(1) how the airport operator will provide for*  
22                   *the deplanement of passengers following a long*  
23                   *tarmac delay; and*

24                   *“(2) how, to the maximum extent practicable, the*  
25                   *airport operator will provide for the sharing of facili-*

1        *ties and make gates available at the airport for use*  
2        *by aircraft experiencing such delays.*

3        “(f) *UPDATES.—The Secretary shall require periodic*  
4        *reviews and updates of the plans as necessary.*

5        “(g) *APPROVAL.—*

6                “(1) *IN GENERAL.—Not later than 6 months*  
7        *after the date of the enactment of this section, the Sec-*  
8        *retary of Transportation shall—*

9                “(A) *review the initial contingency plans*  
10        *submitted under subsection (b); and*

11               “(B) *approve plans that closely adhere to*  
12        *the standards described in subsections (d) or (e),*  
13        *whichever is applicable.*

14               “(2) *UPDATES.—Not later than 60 days after the*  
15        *submission of an update under subsection (f) or an*  
16        *initial contingency plan by a new air carrier or air-*  
17        *port, the Secretary shall—*

18               “(A) *review the plan; and*

19               “(B) *approve the plan if it closely adheres*  
20        *to the standards described in subsections (d) or*  
21        *(e), whichever is applicable.*

22        “(h) *CIVIL PENALTIES.—The Secretary may assess a*  
23        *civil penalty under section 46301 against any air carrier*  
24        *or airport operator that does not submit, obtain approval*

1 of, or adhere to a contingency plan submitted under this  
2 section.

3 “(i) *PUBLIC ACCESS.*—Each air carrier and airport  
4 operator required to submit a contingency plan under this  
5 section shall ensure public access to an approved plan under  
6 this section by—

7 “(1) including the plan on the Internet Web site  
8 of the carrier or airport; or

9 “(2) disseminating the plan by other means, as  
10 determined by the Secretary.

11 **“§41782. Air passenger complaints hotline and infor-**  
12 **mation**

13 “(a) *AIR PASSENGER COMPLAINTS HOTLINE TELE-*  
14 *PHONE NUMBER.*—The Secretary of Transportation shall  
15 establish a consumer complaints hotline telephone number  
16 for the use of air passengers.

17 “(b) *PUBLIC NOTICE.*—The Secretary shall notify the  
18 public of the telephone number established under subsection  
19 (a).

20 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
21 authorized to be appropriated such sums as may be nec-  
22 essary to carry out this section, which sums shall remain  
23 available until expended.”.

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 417 is amended by adding at the end the fol-*  
 3 *lowing:*

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. *Air carrier and airport contingency plans for long on-board tarmac delays*

“41782. *Air passenger complaints hotline and information*”.

4 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**  
 5 **FLIGHT DELAY HISTORY.**

6       (a) *IN GENERAL.*—*Section 41722 is amended by add-*  
 7 *ing at the end the following:*

8       “(f) *CHRONICALLY DELAYED FLIGHTS.*—

9               “(1) *PUBLICATION OF LIST OF FLIGHTS.*—*Each*  
 10 *air carrier holding a certificate issued under section*  
 11 *41102 that conducts scheduled passenger air transpor-*  
 12 *tation shall, on a monthly basis—*

13               “(A) *publish and update on the Internet*  
 14 *website of the air carrier a list of chronically de-*  
 15 *layed flights operated by such air carrier; and*

16               “(B) *share such list with each entity that is*  
 17 *authorized to book passenger air transportation*  
 18 *for such air carrier for inclusion on the Internet*  
 19 *website of such entity.*

20               “(2) *DISCLOSURE TO CUSTOMERS WHEN PUR-*  
 21 *CHASING TICKETS.*—*For each individual who books*  
 22 *passenger air transportation on the Internet website*  
 23 *of an air carrier, or the Internet website of an entity*

1     *that is authorized to book passenger air transpor-*  
2     *tation for an air carrier, for any flight for which*  
3     *data is reported to the Department of Transportation*  
4     *under part 234 of title 14, Code of Federal Regula-*  
5     *tions, such air carrier or entity, as the case may be,*  
6     *shall prominently disclose to such individual, before*  
7     *such individual makes such booking, the following:*

8             *“(A) The on-time performance for the flight*  
9             *if the flight is a chronically delayed flight.*

10            *“(B) The cancellation rate for the flight if*  
11            *the flight is a chronically canceled flight.*

12            *“(3) DEFINITIONS.—In this subsection:*

13            *“(A) CHRONICALLY DELAYED FLIGHT.—The*  
14            *term ‘chronically delayed flight’ means a regu-*  
15            *larly scheduled flight that has failed to arrive on*  
16            *time (as such term is defined in section 234.2 of*  
17            *title 14, Code of Federal Regulations) at least 40*  
18            *percent of the time during the most recent 3-*  
19            *month period for which data is available.*

20            *“(B) CHRONICALLY CANCELED FLIGHT.—*  
21            *The term ‘chronically canceled flight’ means a*  
22            *regularly scheduled flight at least 30 percent of*  
23            *the departures of which have been canceled dur-*  
24            *ing the most recent 3-month period for which*  
25            *data is available.”.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 2 *section (a) shall take effect 180 days after the date of enact-*  
 3 *ment of this Act.*

4       **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
 5                               **PLAINT INVESTIGATIONS.**

6       (a) *IN GENERAL.*—*Subject to the availability of appro-*  
 7 *priations, the Secretary of Transportation shall investigate*  
 8 *consumer complaints regarding—*

9               (1) *flight cancellations;*

10              (2) *compliance with Federal regulations con-*  
 11 *cerning overbooking seats flights;*

12              (3) *lost, damaged, or delayed baggage, and dif-*  
 13 *ficulties with related airline claims procedures;*

14              (4) *problems in obtaining refunds for unused or*  
 15 *lost tickets or fare adjustments;*

16              (5) *incorrect or incomplete information about*  
 17 *fares, discount fare conditions and availability, over-*  
 18 *charges, and fare increases;*

19              (6) *the rights of passengers who hold frequent*  
 20 *flier miles, or equivalent redeemable awards earned*  
 21 *through customer-loyalty programs; and*

22              (7) *deceptive or misleading advertising.*

23       (b) *BUDGET NEEDS REPORT.*—*The Secretary shall*  
 24 *provide, as an annex to its annual budget request, an esti-*  
 25 *mate of resources which would have been sufficient to inves-*

1 *tigate all such claims the Department of Transportation re-*  
 2 *ceived in the previous fiscal year. The annex shall be trans-*  
 3 *mitted to the Congress when the President submits the budg-*  
 4 *et of the United States to the Congress under section 1105*  
 5 *of title 31, United States Code.*

6 **SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
 7 **AVIATION CONSUMER PROTECTION.**

8 *(a) IN GENERAL.—The Secretary of Transportation*  
 9 *shall establish an advisory committee for aviation consumer*  
 10 *protection to advise the Secretary in carrying out airline*  
 11 *customer service improvements, including those required by*  
 12 *subchapter IV of chapter 417 of title 49, United States Code.*

13 *(b) MEMBERSHIP.—The Secretary shall appoint mem-*  
 14 *bers of the advisory committee comprised of one representa-*  
 15 *tive each of—*

- 16 *(1) air carriers;*
- 17 *(2) airport operators;*
- 18 *(3) State or local governments who has expertise*  
 19 *in consumer protection matters; and*
- 20 *(4) a nonprofit public interest group who has ex-*  
 21 *pertise in consumer protection matters.*

22 *(c) VACANCIES.—A vacancy in the advisory committee*  
 23 *shall be filled in the manner in which the original appoint-*  
 24 *ment was made.*



1       (d) *TRAVEL EXPENSES.*—*Members of the advisory*  
2 *committee shall serve without pay but shall receive travel*  
3 *expenses, including per diem in lieu of subsistence, in ac-*  
4 *cordance with subchapter I of chapter 57 of title 5, United*  
5 *States Code.*

6       (e) *CHAIRPERSON.*—*The Secretary shall designate,*  
7 *from among the individuals appointed under subsection (b),*  
8 *an individual to serve as chairperson of the advisory com-*  
9 *mittee.*

10      (f) *DUTIES.*—*The duties of the advisory committee*  
11 *shall include—*

12           (1) *evaluating existing aviation consumer protec-*  
13 *tion programs and providing recommendations for*  
14 *the improvement of such programs, if needed; and*

15           (2) *providing recommendations to establish addi-*  
16 *tional aviation consumer protection programs, if*  
17 *needed.*

18      (g) *REPORT.*—*Not later than February 1 of each of*  
19 *the first 2 calendar years beginning after the date of enact-*  
20 *ment of this Act, the Secretary shall transmit to Congress*  
21 *a report containing—*

22           (1) *the recommendations made by the advisory*  
23 *committee during the preceding calendar year; and*

24           (2) *an explanation of how the Secretary has im-*  
25 *plemented each recommendation and, for each rec-*

1       ommendation not implemented, the Secretary's reason  
2       for not implementing the recommendation.

3   **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

4       (a) *IN GENERAL*.—Within 180 days after the date of  
5       enactment of this Act, the Secretary of Transportation shall  
6       complete a rulemaking that requires each air carrier oper-  
7       ating in the United States under part 121 of title 49, Code  
8       of Federal Regulations, to make available to the public and  
9       to the Secretary a list of all passenger fees and charges  
10      (other than airfare) that may be imposed by the air carrier,  
11      including fees for—

12           (1) checked baggage or oversized or heavy bag-  
13          gage;

14           (2) meals, beverages, or other refreshments;

15           (3) seats in exit rows, seats with additional  
16          space, or other preferred seats in any given class of  
17          travel;

18           (4) purchasing tickets from an airline ticket  
19          agent or a travel agency; or

20           (5) any other good, service, or amenity provided  
21          by the air carrier, as required by the Secretary.

22      (b) *PUBLICATION; UPDATES*.—In order to ensure that  
23      the fee information required by subsection (a) is both cur-  
24      rent and widely available to the travelling public, the Sec-  
25      retary—

1           (1) *may require an air carrier to make such in-*  
 2           *formation on any public website maintained by an*  
 3           *air carrier, to make such information available to*  
 4           *travel agencies, and to notify passengers of the avail-*  
 5           *ability of such information when advertising airfares;*  
 6           *and*

7           (2) *shall require air carriers to update the infor-*  
 8           *mation as necessary, but no less frequently than every*  
 9           *90 days unless there has been no increase in the*  
 10          *amount or type of fees shown in the most recent pub-*  
 11          *lication.*

12 **SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING**  
 13                   **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
 14                   **PORTATION.**

15          Section 41712 is amended by adding at the end the  
 16 *following:*

17          “(c) *DISCLOSURE REQUIREMENT FOR SELLERS OF*  
 18 *TICKETS FOR FLIGHTS.—*

19               “(1) *IN GENERAL.—It shall be an unfair or de-*  
 20               *ceptive practice under subsection (a) for any ticket*  
 21               *agent, air carrier, foreign air carrier, or other person*  
 22               *offering to sell tickets for air transportation on a*  
 23               *flight of an air carrier to not disclose, whether ver-*  
 24               *bally in oral communication or in writing in written*

1       or electronic communication, prior to the purchase of  
2       a ticket—

3               “(A) the name (including any business or  
4               corporate name) of the air carrier providing the  
5               air transportation; and

6               “(B) if the flight has more than one flight  
7               segment, the name of each air carrier providing  
8               the air transportation for each such flight seg-  
9               ment.

10              “(2) *INTERNET OFFERS.*—In the case of an offer  
11       to sell tickets described in paragraph (1) on an Inter-  
12       net Web site, disclosure of the information required by  
13       paragraph (1) shall be provided on the first display  
14       of the Web site following a search of a requested  
15       itinerary in a format that is easily visible to a view-  
16       er.”.

17   **SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT**  
18               **TO THE SALE OF AIRLINE TICKETS.**

19       (a) *IN GENERAL.*—The Office of Aviation Consumer  
20       Protection and Enforcement of the Department of Trans-  
21       portation shall establish rules to ensure that all consumers  
22       are able to easily and fairly compare airfares and charges  
23       paid when purchasing tickets for air transportation, in-  
24       cluding all taxes and fees.

1       (b) NOTICE OF TAXES AND FEES APPLICABLE TO  
2 TICKETS FOR AIR TRANSPORTATION.—Section 41712, as  
3 amended by this Act, is further amended by adding at the  
4 end the following:

5       “(d) NOTICE OF TAXES AND FEES APPLICABLE TO  
6 TICKETS FOR AIR TRANSPORTATION.—

7           “(1) IN GENERAL.—It shall be an unfair or de-  
8 ceptive practice under subsection (a) for an air car-  
9 rier, foreign air carrier, or ticket agent to sell a ticket  
10 for air transportation on the Internet unless the air  
11 carrier, foreign air carrier, or ticket agent, as the case  
12 may be—

13           “(A) displays information with respect to  
14 the taxes and fees described in paragraph (2), in-  
15 cluding the amount and a description of each  
16 such tax or fee, in reasonable proximity to the  
17 price listed for the ticket; and

18           “(B) provides to the purchaser of the ticket  
19 information with respect to the taxes and fees de-  
20 scribed in paragraph (2), including the amount  
21 and a description of each such tax or fee, before  
22 requiring the purchaser to provide any personal  
23 information, including the name, address, phone  
24 number, e-mail address, or credit card informa-  
25 tion of the purchaser.

1           “(2) *TAXES AND FEES DESCRIBED.*—*The taxes*  
 2           *and fees described in this paragraph are all taxes,*  
 3           *fees, and charges applicable to a ticket for air trans-*  
 4           *portation, consisting of—*

5                   “(A) *all taxes, fees, charges, and surcharges*  
 6                   *included in the price paid by a purchaser for the*  
 7                   *ticket, including fuel surcharges and surcharges*  
 8                   *relating to peak or holiday travel; and*

9                   “(B) *any fees for baggage, seating assign-*  
 10                  *ments; and*

11                  “(C) *operational services that are charged*  
 12                  *when the ticket is purchased.”.*

13           (c) *REGULATIONS.*—*The Secretary of Transportation,*  
 14           *in consultation with the Administrator of the Federal Avia-*  
 15           *tion Administration, shall prescribe such regulations as*  
 16           *may be necessary to carry out subsection (d) of section*  
 17           *41712 of title 49, United States Code, as added by sub-*  
 18           *section (b) of this section.*

19   **SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILI-**  
 20                   **TATE THE USE OF CHILD SAFETY SEATS ON**  
 21                   **AIRCRAFT.**

22           *Not later than 180 days after the date of the enactment*  
 23           *of this Act, the Administrator of the Federal Aviation Ad-*  
 24           *ministration shall prescribe regulations requiring each air*  
 25           *carrier operating under part 121 of title 14, Code of Federal*

1 *Regulations, to post on the website of the air carrier the*  
 2 *maximum dimensions of a child safety seat that can be used*  
 3 *on each aircraft operated by the air carrier to enable pas-*  
 4 *sengers to determine which child safety seats can be used*  
 5 *on those aircraft.*

6 *SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL*  
 7 *COMMUNITIES*

8 **SEC. 411. EAS CONNECTIVITY PROGRAM.**

9 *Section 406(a) of the Vision 100—Century of Aviation*  
 10 *Reauthorization Act (49 U.S.C. 40101 note) is amended by*  
 11 *striking “may” and inserting “shall”.*

12 **SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING**  
 13 **MILEAGE ADJUSTMENT ELIGIBILITY.**

14 *Section 409(d) of the Vision 100—Century of Aviation*  
 15 *Reauthorization Act (49 U.S.C. 41731 note) is amended by*  
 16 *striking “September 30, 2010.” and inserting “September*  
 17 *30, 2013.”.*

18 **SEC. 413. EAS CONTRACT GUIDELINES.**

19 *Section 41737(a)(1) is amended—*  
 20 *(1) by striking “and” after the semicolon in sub-*  
 21 *paragraph (B);*  
 22 *(2) by striking “provided.” in subparagraph (C)*  
 23 *and inserting “provided;”; and*  
 24 *(3) by adding at the end the following:*

1           “(D) include provisions under which the Sec-  
 2       retary may encourage carriers to improve air service  
 3       to small and rural communities by incorporating fi-  
 4       nancial incentives in essential air service contracts  
 5       based on specified performance goals; and

6           “(E) include provisions under which the Sec-  
 7       retary may execute long-term essential air service  
 8       contracts to encourage carriers to provide air service  
 9       to small and rural communities where it would be in  
 10      the public interest to do so.”.

11 **SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**

12       (a) *IN GENERAL*.—Section 41745 is amended to read  
 13 as follows:

14 **“§ 41745. Conversion of lost eligibility airports**

15       “(a) *IN GENERAL*.—The Secretary shall establish a  
 16 program to provide general aviation conversion funding for  
 17 airports serving eligible places that the Secretary has deter-  
 18 mined no longer qualify for a subsidy.

19       “(b) *GRANTS*.—A grant under this section—

20           “(1) may not exceed twice the compensation paid  
 21 to provide essential air service to the airport in the  
 22 fiscal year preceeding the fiscal year in which the  
 23 Secretary determines that the place served by the air-  
 24 port is no longer an eligible place; and

25           “(2) may be used—



1           “(A) for airport development (as defined in  
2           section 47102(3)) that will enhance general avia-  
3           tion capacity at the airport;

4           “(B) to defray operating expenses, if such  
5           use is approved by the Secretary; or

6           “(C) to develop innovative air service op-  
7           tions, such as on-demand or air taxi operations,  
8           if such use is approved by the Secretary.

9           “(c) *AIP REQUIREMENTS.*—An airport sponsor that  
10          uses funds provided under this section for an airport devel-  
11          opment project shall comply with the requirements of sub-  
12          chapter I of chapter 471 applicable to airport development  
13          projects funded under that subchapter with respect to the  
14          project funded under this section.

15          “(d) *LIMITATION.*—The sponsor of an airport receiving  
16          funding under this section is not eligible for funding under  
17          section 41736.”.

18          (b) *CLERICAL AMENDMENT.*—The table of sections for  
19          chapter 417 is amended by striking the item relating to sec-  
20          tion 41745 and inserting the following:

          “417454. Conversion of lost eligibility airports.”.

21       **SEC. 415. EAS REFORM.**

22          Section 41742(a) is amended—

23               (1) by adding at the end of paragraph (1) “Any  
24               amount in excess of \$50,000,000 credited for any fis-  
25               cal year to the account established under section

1       45303(c) shall be obligated for programs under section  
 2       406 of the Vision 100—Century of Aviation Reau-  
 3       thorization Act (49 U.S.C. 40101 note) and section  
 4       41745 of this title. Amounts appropriated pursuant to  
 5       this section shall remain available until expended.”;  
 6       and

7               (2) by striking “\$77,000,000” in paragraph (2)  
 8       and inserting “\$150,000,000”.

9   **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

10       (a) *PRIORITIES*.—Section 41743(c)(5) is amended—

11               (1) by striking “and” after the semicolon in sub-  
 12       paragraph (D);

13               (2) by striking “fashion.” in subparagraph (E)  
 14       and inserting “fashion; and”; and

15               (3) by adding at the end the following:

16                       “(F) multiple communities cooperate to sub-  
 17       mit a region or multistate application to im-  
 18       prove air service.”.

19       (b) *EXTENSION OF AUTHORIZATION*.—Section  
 20       41743(e)(2) is amended—

21               (1) by striking “is appropriated” and inserting  
 22       “are appropriated”; and

23               (2) by striking “2009” and inserting “2011”.

1 **SEC. 417. EAS MARKETING.**

2       *The Secretary of Transportation shall require all ap-*  
 3 *plications to provide service under subchapter II of chapter*  
 4 *417 of title 49, United States Code, include a marketing*  
 5 *plan.*

6 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

7       *(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY*  
 8 *CAP.—*

9               *(1) IN GENERAL.—Subchapter II of chapter 417*  
 10 *is amended by adding at the end the following:*

11 **“§ 41749. Essential air service for eligible places above**  
 12 ***per passenger subsidy cap***

13       *“(a) PROPOSALS.—A State or local government may*  
 14 *submit a proposal to the Secretary of Transportation for*  
 15 *compensation for an air carrier to provide air transpor-*  
 16 *tation to a place described in subsection (b).*

17       *“(b) PLACE DESCRIBED.—A place described in this*  
 18 *subsection is a place—*

19               *“(1) that is otherwise an eligible place; and*

20               *“(2) for which the per passenger subsidy exceeds*  
 21 *the dollar amount allowable under this subchapter.*

22       *“(c) DECISIONS.—Not later than 90 days after receiv-*  
 23 *ing a proposal under subsection (a) for compensation for*  
 24 *an air carrier to provide air transportation to a place de-*  
 25 *scribed in subsection (b), the Secretary shall—*

1           “(1) *decide whether to provide compensation for*  
2           *the air carrier to provide air transportation to the*  
3           *place; and*

4           “(2) *approve the proposal if the State or local*  
5           *government or a person is willing and able to pay the*  
6           *difference between—*

7                   “(A) *the per passenger subsidy; and*

8                   “(B) *the dollar amount allowable for such*  
9                   *subsidy under this subchapter.*

10          “(d) *COMPENSATION PAYMENTS.—*

11               “(1) *IN GENERAL.—The Secretary shall pay*  
12               *compensation under this section at such time and in*  
13               *such manner as the Secretary determines is appro-*  
14               *priate.*

15               “(2) *DURATION OF PAYMENTS.—The Secretary*  
16               *shall continue to pay compensation under this section*  
17               *only as long as—*

18                   “(A) *the State or local government or per-*  
19                   *son agreeing to pay compensation under sub-*  
20                   *section (c)(2) continues to pay such compensa-*  
21                   *tion; and*

22                   “(B) *the Secretary decides the compensation*  
23                   *is necessary to maintain air transportation to*  
24                   *the place.*

25          “(e) *REVIEW.—*

1           “(1) *IN GENERAL.*—*The Secretary shall periodically*  
2           *review the type and level of air service provided*  
3           *under this section.*

4           “(2) *CONSULTATION.*—*The Secretary may make*  
5           *appropriate adjustments in the type and level of air*  
6           *service to a place under this section based on the re-*  
7           *view under paragraph (1) and consultation with the*  
8           *affected community and the State or local government*  
9           *or person agreeing to pay compensation under sub-*  
10          *section (c)(2).*

11          “(f) *ENDING, SUSPENDING, AND REDUCING AIR*  
12          *TRANSPORTATION.*—*An air carrier providing air transpor-*  
13          *tation to a place under this section may end, suspend, or*  
14          *reduce such air transportation if, not later than 30 days*  
15          *before ending, suspending, or reducing such air transpor-*  
16          *tation, the air carrier provides notice of the intent of the*  
17          *air carrier to end, suspend, or reduce such air transpor-*  
18          *tation to—*

19                 “(1) *the Secretary;*

20                 “(2) *the affected community; and*

21                 “(3) *the State or local government or person*  
22                 *agreeing to pay compensation under subsection*  
23                 *(c)(2).”.*

1           (2) *CLERICAL AMENDMENT.*—*The table of con-*  
 2           *tents for chapter 417 is amended by adding after the*  
 3           *item relating to section 41748 the following new item:*

*“41749. Essential air service for eligible places above per passenger subsidy cap”.*

4           (b) *PREFERRED ESSENTIAL AIR SERVICE.*—

5           (1) *IN GENERAL.*—*Subchapter II of chapter 417,*  
 6           *as amended by subsection (a), is further amended by*  
 7           *adding after section 41749 the following:*

8           **“§ 41750. Preferred essential air service**

9           *“(a) PROPOSALS.*—*A State or local government may*  
 10          *submit a proposal to the Secretary of Transportation for*  
 11          *compensation for a preferred air carrier described in sub-*  
 12          *section (b) to provide air transportation to an eligible place.*

13          (b) *PREFERRED AIR CARRIER DESCRIBED.*—*A pre-*  
 14          *ferred air carrier described in this subsection is an air car-*  
 15          *rier that—*

16                *“(1) submits an application under section*  
 17                *41733(c) to provide air transportation to an eligible*  
 18                *place;*

19                *“(2) is not the air carrier that submits the lowest*  
 20                *cost bid to provide air transportation to the eligible*  
 21                *place; and*

22                *“(3) is an air carrier that the affected commu-*  
 23                *nity prefers to provide air transportation to the eligi-*  
 24                *ble place instead of the air carrier that submits the*  
 25                *lowest cost bid.*

1       “(c) *DECISIONS.*—Not later than 90 days after receiv-  
2   ing a proposal under subsection (a) for compensation for  
3   a preferred air carrier described in subsection (b) to provide  
4   air transportation to an eligible place, the Secretary shall—

5               “(1) *decide whether to provide compensation for*  
6       *the preferred air carrier to provide air transportation*  
7       *to the eligible place; and*

8               “(2) *approve the proposal if the State or local*  
9       *government or a person is willing and able to pay the*  
10       *difference between—*

11               “(A) *the rate of compensation the Secretary*  
12       *would provide to the air carrier that submits the*  
13       *lowest cost bid to provide air transportation to*  
14       *the eligible place; and*

15               “(B) *the rate of compensation the preferred*  
16       *air carrier estimates to be necessary to provide*  
17       *air transportation to the eligible place.*

18       “(d) *COMPENSATION PAYMENTS.*—

19               “(1) *IN GENERAL.*—The Secretary shall pay  
20       compensation under this section at such time and in  
21       such manner as the Secretary determines is appro-  
22       priate.

23               “(2) *DURATION OF PAYMENTS.*—The Secretary  
24       shall continue to pay compensation under this section  
25       only as long as—

1           “(A) the State or local government or per-  
2           son agreeing to pay compensation under sub-  
3           section (c)(2) continues to pay such compensa-  
4           tion; and

5           “(B) the Secretary decides the compensation  
6           is necessary to maintain air transportation to  
7           the eligible place.

8           “(e) REVIEW.—

9           “(1) IN GENERAL.—The Secretary shall periodi-  
10          cally review the type and level of air service provided  
11          under this section.

12          “(2) CONSULTATION.—The Secretary may make  
13          appropriate adjustments in the type and level of air  
14          service to an eligible place under this section based on  
15          the review under paragraph (1) and consultation  
16          with the affected community and the State or local  
17          government or person agreeing to pay compensation  
18          under subsection (c)(2).

19          “(f) ENDING, SUSPENDING, AND REDUCING AIR  
20          TRANSPORTATION.—A preferred air carrier providing air  
21          transportation to an eligible place under this section may  
22          end, suspend, or reduce such air transportation if, not later  
23          than 30 days before ending, suspending, or reducing such  
24          air transportation, the preferred air carrier provides notice



1 *of the intent of the preferred air carrier to end, suspend,*  
 2 *or reduce such air transportation to—*

3 *“(1) the Secretary;*

4 *“(2) the affected community; and*

5 *“(3) the State or local government or person*  
 6 *agreeing to pay compensation under subsection*  
 7 *(c)(2).”.*

8 *(2) CLERICAL AMENDMENT.—The table of con-*  
 9 *tents for chapter 417, as amended by subsection (a),*  
 10 *is further amended by adding after the item relating*  
 11 *to section 41749 the following new item:*

*“41750. Preferred essential air service”.*

12 *(c) RESTORATION OF ELIGIBILITY TO A PLACE DETER-*  
 13 *MINED BY THE SECRETARY TO BE INELIGIBLE FOR SUB-*  
 14 *SIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is*  
 15 *amended by adding at the end the following:*

16 *“(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED*  
 17 *ESSENTIAL AIR SERVICE.—*

18 *“(1) IN GENERAL.—If the Secretary of Transpor-*  
 19 *tation terminates the eligibility of an otherwise eligi-*  
 20 *ble place to receive basic essential air service by an*  
 21 *air carrier for compensation under subsection (c), a*  
 22 *State or local government may submit to the Sec-*  
 23 *retary a proposal for restoring such eligibility.*

24 *“(2) DETERMINATION BY SECRETARY.—If the per*  
 25 *passenger subsidy required by the proposal submitted*

1 *by a State or local government under paragraph (1)*  
2 *does not exceed the per passenger subsidy cap pro-*  
3 *vided under this subchapter, the Secretary shall issue*  
4 *an order restoring the eligibility of the otherwise eligi-*  
5 *ble place to receive basic essential air service by an*  
6 *air carrier for compensation under subsection (c).”.*

7 *(d) OFFICE OF RURAL AVIATION.—*

8 *(1) ESTABLISHMENT.—There is established with-*  
9 *in the Office of the Secretary of Transportation the*  
10 *Office of Rural Aviation.*

11 *(e) FUNCTIONS.—The functions of the Office are—*

12 *(1) to develop a uniform 4-year contract for air*  
13 *carriers providing essential air service to commu-*  
14 *nities under subchapter II of chapter 417 of title 49,*  
15 *United States Code;*

16 *(2) to develop a mechanism for comparing appli-*  
17 *cations submitted by air carriers under section*  
18 *41733(c) to provide essential air service to commu-*  
19 *nities, including comparing—*

20 *(A) estimates from air carriers on—*

21 *(i) the cost of providing essential air*  
22 *service; and*

23 *(ii) the revenues air carriers expect to*  
24 *receive when providing essential air service;*  
25 *and*

1                   (B) *estimated schedules for air transpor-*  
 2                   *tation; and*

3                   (3) *to select an air carrier from among air car-*  
 4                   *riers applying to provide essential air service, based*  
 5                   *on the criteria described in paragraph (2).*

6           (f) *EXTENSION OF AUTHORITY TO MAKE AGREE-*  
 7           *MENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—*  
 8           *Section 41743(e)(2) is amended by striking “2009” and in-*  
 9           *serting “2011”.*

10          (g) *ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-*  
 11          *CANTLY INCREASED COSTS.—Section 41737 is amended by*  
 12          *adding at the end thereof the following:*

13               “(f) *FUEL COST SUBSIDY DISREGARD.—Any amount*  
 14               *provided as an adjustment in compensation pursuant to*  
 15               *subsection (a)(1)(D) shall be disregarded for the purpose of*  
 16               *determining whether the amount of compensation provided*  
 17               *under this subchapter with respect to an eligible place ex-*  
 18               *ceeds the per passenger subsidy exceeds the dollar amount*  
 19               *allowable under this subchapter.”.*

20   **SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
 21                   **TICIPATION PROGRAM.**

22          (a) *IN GENERAL.—Subchapter II of chapter 417 of*  
 23          *title 49, United States Code, is amended by striking section*  
 24          *41747, and such title 49 shall be applied as if such section*  
 25          *41747 had not been enacted.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
 2 *chapter 417 of title 49, United States Code, is amended by*  
 3 *striking the item relating to section 41747.*

4 **SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**  
 5 **CATIONS THAT ARE 90 OR MORE MILES AWAY**  
 6 **FROM THE NEAREST MEDIUM OR LARGE HUB**  
 7 **AIRPORT.**

8       (a) *IN GENERAL.*—*Section 41731(a)(1) is amended—*

9               (1) *in subparagraph (A), by redesignating*  
 10 *clauses (i) through (iii) as subclauses (I) through*  
 11 *(III), respectively;*

12              (2) *by redesignating subparagraphs (A) and (B)*  
 13 *as clauses (i) and (ii), respectively;*

14              (3) *in clause (i)(I), as redesignated, by inserting*  
 15 *“(A)” before “(i)(I)”;*

16              (4) *in subparagraph (A)(ii), as redesignated, by*  
 17 *striking the period at the end and inserting “; and”;*  
 18 *and*

19              (5) *by adding at the end the following:*

20                       *“(B) is located not less than 90 miles from*  
 21 *the nearest medium or large hub airport.”.*

22              (6) *The Secretary may waive the requirements of*  
 23 *this subsection as a result of geographic characteris-*  
 24 *tics resulting in undue difficulty accessing the nearest*  
 25 *medium or large hub airport.*

1       (b) *EXCEPTIONS FOR LOCATIONS IN ALASKA.*—Section  
2   41731 is amended by adding at the end the following:

3       “(c) *EXCEPTION FOR LOCATIONS IN ALASKA.*—Sub-  
4   section (a)(1)(B) shall not apply with respect to locations  
5   in the State of Alaska.”.

6   **SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**  
7                   **CATIONS THAT AVERAGE 10 OR MORE**  
8                   **ENPLANEMENTS PER DAY.**

9       (a) *IN GENERAL.*—Section 41731(a)(1) is amended—  
10       (1) in subparagraph (A), by redesignating  
11       clauses (i) through (iii) as subclauses (I) through  
12       (III), respectively;

13       (2) by redesignating subparagraphs (A) and (B)  
14       as clauses (i) and (ii), respectively;

15       (3) in clause (i)(I), as redesignated, by inserting  
16       “(A)” before “(i)(I)”;

17       (4) in subparagraph (A)(ii), as redesignated, by  
18       striking the period at the end and inserting “; and”;  
19       and

20       (5) by adding at the end the following:

21               “(B) had an average of 10 enplanements  
22       per day or more in the most recent calendar year  
23       for which enplanement data is available to the  
24       Administrator.”.

1       (b) *EXCEPTIONS FOR LOCATIONS IN ALASKA.*—Section  
2   41731 is amended by adding at the end the following:

3       “(c) *EXCEPTION FOR LOCATIONS IN ALASKA.*—Sub-  
4   section (a)(1)(B) shall not apply with respect to locations  
5   in the State of Alaska.”.

6       (c) *WAIVERS.*—Such section is further amended by  
7   adding at the end the following:

8       “(d) *WAIVERS.*—The Administrator may waive sub-  
9   section (a)(1)(B) with respect to a location if the Adminis-  
10   trator determines that the reason the location averages fewer  
11   than 10 enplanements per day is not because of inherent  
12   issues with the location.”.

13                   *SUBTITLE C—MISCELLANEOUS*

14   **SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

15       (a) *IN GENERAL.*—Section 47129 is amended—

16               (1) by striking the section heading and inserting  
17       the following:

18   **“§47129. Resolution of airport-air carrier and foreign**  
19               **air carrier disputes concerning airport**  
20               **fees”**;

21               (2) by inserting “AND FOREIGN AIR CARRIER”  
22       after “CARRIER” in the heading for subsection (d);

23               (3) by inserting “AND FOREIGN AIR CARRIER”  
24       after “CARRIER” in the heading for subsection (d)(2);

1           (4) *by striking “air carrier” each place it ap-*  
 2           *pears and inserting “air carrier or foreign air car-*  
 3           *rier”;*

4           (5) *by striking “air carrier’s” each place it ap-*  
 5           *pears and inserting “air carrier’s or foreign air car-*  
 6           *rier’s”;*

7           (6) *by striking “air carriers” and inserting “air*  
 8           *carriers or foreign air carriers”;* and

9           (7) *by striking “(as defined in section 40102 of*  
 10          *this title)” in subsection (a) and inserting “(as those*  
 11          *terms are defined in section 40102 of this title)”.*

12          (b) *CONFORMING AMENDMENT.—The table of contents*  
 13          *for chapter 471 is amended by striking the item relating*  
 14          *to section 47129 and inserting the following:*

*“47129. Resolution of airport-air carrier and foreign air carrier disputes con-*  
*cerning airport fees”.*

15          **SEC. 432. CONTRACT TOWER PROGRAM.**

16          (a)        **COST-BENEFIT        REQUIREMENT.**—*Section*  
 17          *47124(b)(1) is amended—*

18                (1) *by inserting “(A)” after “(1)”;* and

19                (2) *by adding at the end the following:*

20                *“(B) If the Secretary determines that a tower already*  
 21                *operating under this program has a benefit to cost ratio*  
 22                *of less than 1.0, the airport sponsor or State or local govern-*  
 23                *ment having jurisdiction over the airport shall not be re-*

1 *quired to pay the portion of the costs that exceeds the benefit*  
 2 *for a period of 18 months after such determination is made.*

3 *“(C) If the Secretary finds that all or part of an*  
 4 *amount made available to carry out the program continued*  
 5 *under this paragraph is not required during a fiscal year,*  
 6 *the Secretary may use during such fiscal year the amount*  
 7 *not so required to carry out the program established under*  
 8 *paragraph (3) of this section.”.*

9 *(b) COSTS EXCEEDING BENEFITS.—Subparagraph*  
 10 *(D) of section 47124(b)(3) is amended—*

11 *(1) by striking “benefit.” and inserting “benefit,*  
 12 *with the maximum allowable local cost share capped*  
 13 *at 20 percent.”.*

14 *(c) FUNDING.—Subparagraph (E) of section*  
 15 *47124(b)(3) is amended—*

16 *(1) by striking “and” after “2006,”; and*

17 *(2) by striking “2007” and inserting “2007,*  
 18 *\$9,500,000 for fiscal year 2010, and \$10,000,000 for*  
 19 *fiscal year 2011” after “2007,”; and*

20 *(3) by inserting after “paragraph.” the fol-*  
 21 *lowing: “If the Secretary finds that all or part of an*  
 22 *amount made available under this subparagraph is*  
 23 *not required during a fiscal year to carry out this*  
 24 *paragraph, the Secretary may use during such fiscal*  
 25 *year the amount not so required to carry out the pro-*



1        *gram continued under subsection (b)(1) of this sec-*  
2        *tion.”.*

3        *(d) FEDERAL SHARE.—Subparagraph (C) of section*  
4        *47124(b)(4) is amended by striking “\$1,500,000.” and in-*  
5        *serting “\$2,000,000.”.*

6        *(e) SAFETY AUDITS.—Section 41724 is amended by*  
7        *adding at the end the following:*

8        *“(c) SAFETY AUDITS.—The Secretary shall establish*  
9        *uniform standards and requirements for safety assessments*  
10       *of air traffic control towers that receive funding under this*  
11       *section in accordance with the Administration’s safety*  
12       *management system.”.*

13       **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

14       *(a) FINDINGS.—The Congress finds that—*

15                *(1) the Armed Forces is comprised of approxi-*  
16                *mately 1,450,000 members who are stationed on ac-*  
17                *tive duty at more than 6,000 military bases in 146*  
18                *different countries;*

19                *(2) the United States is indebted to the members*  
20                *of the Armed Forces, many of whom are in grave*  
21                *danger due to their engagement in, or exposure to,*  
22                *combat;*

23                *(3) military service, especially in the current*  
24                *war against terrorism, often requires members of the*  
25                *Armed Forces to be separated from their families on*

1     *short notice, for long periods of time, and under very*  
2     *stressful conditions;*

3             *(4) the unique demands of military service often*  
4     *preclude members of the Armed Forces from pur-*  
5     *chasing discounted advance airline tickets in order to*  
6     *visit their loved ones at home; and*

7             *(5) it is the patriotic duty of the people of the*  
8     *United States to support the members of the Armed*  
9     *Forces who are defending the Nation's interests*  
10    *around the world at great personal sacrifice.*

11    *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
12    *that each United States air carrier should—*

13             *(1) establish for all members of the Armed Forces*  
14    *on active duty reduced air fares that are comparable*  
15    *to the lowest airfare for ticketed flights; and*

16             *(2) offer flexible terms that allow members of the*  
17    *Armed Forces on active duty to purchase, modify, or*  
18    *cancel tickets without time restrictions, fees (includ-*  
19    *ing baggage fees), ancillary costs, or penalties.*

1 **SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN**  
2 **THE LAS VEGAS MCCARRAN INTERNATIONAL**  
3 **AIRPORT ENVIRONS OVERLAY DISTRICT FOR**  
4 **TRANSIENT LODGING AND ASSOCIATED FA-**  
5 **CILITIES.**

6 (a) *IN GENERAL.*—Notwithstanding any other provi-  
7 sion of law and except as provided in subsection (b), Clark  
8 County, Nevada, is authorized to permit transient lodging,  
9 including hotels, and associated facilities, including en-  
10 closed auditoriums, concert halls, sports arenas, and places  
11 of public assembly, on lands in the Las Vegas McCarran  
12 International Airport Environs Overlay District that fall  
13 below the forecasted 2017 65 dB day-night annual average  
14 noise level (DNL), as identified in the Noise Exposure Map  
15 Notice published by the Federal Aviation Administration  
16 in the Federal Register on July 24, 2007 (72 Fed. Reg.  
17 40357), and adopted into the Clark County Development  
18 Code in June 2008.

19 (b) *LIMITATION.*—No structure may be permitted  
20 under subsection (a) that would constitute a hazard to air  
21 navigation, result in an increase to minimum flight alti-  
22 tudes, or otherwise pose a significant adverse impact on air-  
23 port or aircraft operations.

# **TITLE V—SAFETY**

## **SUBTITLE A—AVIATION SAFETY**

### **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

*Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.*

### **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.**

*(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:*

*“(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.*

1       (b) *CONFORMING AMENDMENT.*—Section 1153(c) is  
 2   amended by striking “section 44709 or” and inserting “sec-  
 3   tion 44703(d), 44709, or”.

4   **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
 5                   **TYPE CERTIFICATES AND SUPPLEMENTAL**  
 6                   **TYPE CERTIFICATES.**

7       Section 44704(a) is amended by adding at the end the  
 8   following:

9       “(5) *RELEASE OF DATA.*—

10           “(A) Notwithstanding any other provision of  
 11   law, the Administrator may designate, without the  
 12   consent of the owner of record, engineering data in  
 13   the agency’s possession related to a type certificate or  
 14   a supplemental type certificate for an aircraft, en-  
 15   gine, propeller or appliance as public data, and there-  
 16   fore releasable, upon request, to a person seeking to  
 17   maintain the airworthiness of such product, if the Ad-  
 18   ministrator determines that—

19                   “(i) the certificate containing the requested  
 20   data has been inactive for 3 years;

21                   “(ii) the owner of record, or the owner of  
 22   record’s heir, of the type certificate or supple-  
 23   mental certificate has not been located despite a  
 24   search of due diligence by the agency; and

1           “(iii) the designation of such data as public  
2           data will enhance aviation safety.

3           “(B) In this section, the term ‘engineering data’  
4           means type design drawings and specifications for the  
5           entire product or change to the product, including the  
6           original design data, and any associated supplier  
7           data for individual parts or components approved as  
8           part of the particular aeronautical product certifi-  
9           cate.”.

10 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

11       Section 44704(e) is amended—

12           (1) by striking “Beginning 7 years after the date  
13           of enactment of this subsection,” in paragraph (1)  
14           and inserting “Effective January 1, 2013,”;

15           (2) by striking “testing” in paragraph (2) and  
16           inserting “production”; and

17           (3) by striking paragraph (3) and inserting the  
18           following:

19           “(3) **ISSUANCE OF CERTIFICATE BASED ON DE-**  
20           **SIGN ORGANIZATION CERTIFICATION.**—The Adminis-  
21           trator may rely on the Design Organization for cer-  
22           tification of compliance under this section.”.

1 **SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**  
2 **DATABASE SYSTEMS.**

3 (a) *IN GENERAL.*—Chapter 401 is amended by adding  
4 *at the end thereof the following:*

5 **“§40130. FAA access to criminal history records or**  
6 **databases systems**

7 “(a) *ACCESS TO RECORDS OR DATABASES SYS-*  
8 *TEMS.*—

9 “(1) *Notwithstanding section 534 of title 28 and*  
10 *the implementing regulations for such section (28*  
11 *C.F.R. part 20), the Administrator of the Federal*  
12 *Aviation Administration is authorized to access a*  
13 *system of documented criminal justice information*  
14 *maintained by the Department of Justice or by a*  
15 *State but may do so only for the purpose of carrying*  
16 *out its civil and administrative responsibilities to*  
17 *protect the safety and security of the National Air-*  
18 *space System or to support the missions of the De-*  
19 *partment of Justice, the Department of Homeland Se-*  
20 *curity, and other law enforcement agencies. The Ad-*  
21 *ministrator shall be subject to the same conditions or*  
22 *procedures established by the Department of Justice*  
23 *or State for access to such an information system by*  
24 *other governmental agencies with access to the system.*

1           “(2) *The Administrator may not use the access*  
2           *authorized under paragraph (1) to conduct criminal*  
3           *investigations.*

4           “(b) *DESIGNATED EMPLOYEES.—The Administrator*  
5           *shall, by order, designate those employees of the Administra-*  
6           *tion who shall carry out the authority described in sub-*  
7           *section (a). Such designated employees may—*

8           “(1) *have access to and receive criminal history,*  
9           *driver, vehicle, and other law enforcement informa-*  
10           *tion contained in the law enforcement databases of the*  
11           *Department of Justice, or of any jurisdiction in a*  
12           *State in the same manner as a police officer employed*  
13           *by a State or local authority of that State who is cer-*  
14           *tified or commissioned under the laws of that State;*

15           “(2) *use any radio, data link, or warning system*  
16           *of the Federal Government and of any jurisdiction in*  
17           *a State that provides information about wanted per-*  
18           *sons, be-on-the-lookout notices, or warrant status or*  
19           *other officer safety information to which a police offi-*  
20           *cer employed by a State or local authority in that*  
21           *State who is certified or commission under the laws*  
22           *of that State has access and in the same manner as*  
23           *such police officer; or*

24           “(3) *receive Federal, State, or local government*  
25           *communications with a police officer employed by a*



1     *State or local authority in that State in the same*  
 2     *manner as a police officer employed by a State or*  
 3     *local authority in that State who is commissioned*  
 4     *under the laws of that State.*

5     “(c) *SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*  
 6     *FORMATION DEFINED.*—*In this section the term ‘system of*  
 7     *documented criminal justice information’ means any law*  
 8     *enforcement databases, systems, or communications con-*  
 9     *taining information concerning identification, criminal*  
 10    *history, arrests, convictions, arrest warrants, or wanted or*  
 11    *missing persons, including the National Crime Information*  
 12    *Center and its incorporated criminal history databases and*  
 13    *the National Law Enforcement Telecommunications Sys-*  
 14    *tem.’.*”.

15     (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 16    *for chapter 401 is amended by inserting after the item relat-*  
 17    *ing to section 40129 the following:*

“40130. *FAA access to criminal history records or databases systems*”.

18    **SEC. 506. PILOT FATIGUE.**

19     (a) *FLIGHT AND DUTY TIME REGULATIONS.*—

20         (1) *IN GENERAL.*—*In accordance with para-*  
 21    *graph (2), the Administrator of the Federal Aviation*  
 22    *Administration shall issue regulations, based on the*  
 23    *best available scientific information—*

1           (A) to specify limitations on the hours of  
2           flight and duty time allowed for pilots to address  
3           problems relating to pilot fatigue; and

4           (B) to require part 121 air carriers to de-  
5           velop and implement fatigue risk management  
6           plans.

7           (2) *DEADLINES.*—The Administrator shall  
8           issue—

9           (A) not later than 180 days after the date  
10          of enactment of this Act, a notice of proposed  
11          rulemaking under paragraph (1); and

12          (B) not later than one year after the date  
13          of enactment of this Act, a final rule under  
14          paragraph (1).

15       (b) *FATIGUE RISK MANAGEMENT PLAN.*—

16           (1) *SUBMISSION OF FATIGUE RISK MANAGEMENT*  
17           *PLAN BY PART 121 AIR CARRIERS.*—Not later than 90  
18           days after the date of enactment of this Act, each part  
19           121 air carrier shall submit to the Administrator for  
20           review and approval a fatigue risk management plan.

21           (2) *CONTENTS OF PLAN.*—A fatigue risk manage-  
22           ment plan submitted by a part 121 air carrier under  
23           paragraph (1) shall include the following:

24           (A) Current flight time and duty period  
25           limitations.

1           (B) *A rest scheme that enables the manage-*  
2           *ment of fatigue, including annual training to in-*  
3           *crease awareness of—*

4                     *(i) fatigue;*

5                     *(ii) the effects of fatigue on pilots; and*

6                     *(iii) fatigue countermeasures.*

7           (C) *Development and use of a methodology*  
8           *that continually assesses the effectiveness of the*  
9           *program, including the ability of the program—*

10                    *(i) to improve alertness; and*

11                    *(ii) to mitigate performance errors.*

12           (3) *PLAN UPDATES.—A part 121 air carrier*  
13           *shall update its fatigue risk management plan under*  
14           *paragraph (1) every 2 years and submit the update*  
15           *to the Administrator for review and approval.*

16           (4) *APPROVAL.—*

17                    (A) *INITIAL APPROVAL OR MODIFICATION.—*

18           *Not later than 9 months after the date of enact-*  
19           *ment of this Act, the Administrator shall review*  
20           *and approve or require modification to fatigue*  
21           *risk management plans submitted under this*  
22           *subsection to ensure that pilots are not operating*  
23           *aircraft while fatigued.*

24                    (B) *UPDATE APPROVAL OR MODIFICA-*

25           *TION.—Not later than 9 months after submission*

1        *of a plan update under paragraph (3), the Ad-*  
2        *ministrator shall review and approve or require*  
3        *modification to such update.*

4        (5) *CIVIL PENALTIES.*—*A violation of this sub-*  
5        *section by a part 121 air carrier shall be treated as*  
6        *a violation of chapter 447 of title 49, United States*  
7        *Code, for purposes of the application of civil penalties*  
8        *under chapter 463 of that title.*

9        (6) *LIMITATION ON APPLICABILITY.*—*The re-*  
10       *quirements of this subsection shall cease to apply to*  
11       *a part 121 air carrier on and after the effective date*  
12       *of the regulations to be issued under subsection (a).*

13       (c) *EFFECT OF COMMUTING ON FATIGUE.*—

14       (1) *IN GENERAL.*—*Not later than 60 days after*  
15       *the date of enactment of this Act, the Administrator*  
16       *shall enter into appropriate arrangements with the*  
17       *National Academy of Sciences to conduct a study of*  
18       *the effects of commuting on pilot fatigue and report*  
19       *its findings to the Administrator.*

20       (2) *STUDY.*—*In conducting the study, the Na-*  
21       *tional Academy of Sciences shall consider—*

22                (A) *the prevalence of pilot commuting in*  
23                *the commercial air carrier industry, including*  
24                *the number and percentage of pilots who com-*  
25                *mute;*

1           (B) information relating to commuting by  
2           pilots, including distances traveled, time zones  
3           crossed, time spent, and methods used;

4           (C) research on the impact of commuting on  
5           pilot fatigue, sleep, and circadian rhythms;

6           (D) commuting policies of commercial air  
7           carriers (including passenger and all-cargo air  
8           carriers), including pilot check-in requirements  
9           and sick leave and fatigue policies;

10          (E) post-conference materials from the Fed-  
11          eral Aviation Administration's June 2008 sym-  
12          posium entitled "Aviation Fatigue Management  
13          Symposium: Partnerships for Solutions";

14          (F) Federal Aviation Administration and  
15          international policies and guidance regarding  
16          commuting; and

17          (G) any other matters as the Administrator  
18          considers appropriate.

19          (3) *PRELIMINARY FINDINGS*.—Not later than 90  
20          days after the date of entering into arrangements  
21          under paragraph (1), the National Academy of  
22          Sciences shall submit to the Administrator its pre-  
23          liminary findings under the study.

24          (4) *REPORT*.—Not later than 6 months after the  
25          date of entering into arrangements under paragraph

1       (1), the National Academy of Sciences shall submit a  
 2       report to the Administrator containing its findings  
 3       under the study and any recommendations for regu-  
 4       latory or administrative actions by the Federal Avia-  
 5       tion Administration concerning commuting by pilots.

6               (5) RULEMAKING.—Following receipt of the re-  
 7       port of the National Academy of Sciences under para-  
 8       graph (4), the Administrator shall—

9               (A) consider the findings and recommenda-  
 10       tions in the report; and

11              (B) update, as appropriate based on sci-  
 12       entific data, regulations required by subsection  
 13       (a) on flight and duty time.

14   **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
 15               **FIXED WING EMERGENCY MEDICAL SERVICE**  
 16               **OPERATORS AND PATIENTS.**

17       (a) COMPLIANCE REGULATIONS.—

18              (1) IN GENERAL.—Except as provided in para-  
 19       graph (2), not later than 18 months after the date of  
 20       enactment of this Act, helicopter and fixed wing air-  
 21       craft certificate holders providing emergency medical  
 22       services shall comply with part 135 of title 14, Code  
 23       of Federal Regulations, if there is a medical crew on  
 24       board, without regard to whether there are patients on  
 25       board.

1           (2) *EXCEPTION.—If a certificate holder described*  
2           *in paragraph (1) is operating under instrument flight*  
3           *rules or is carrying out training therefor—*

4                     (A) *the weather minimums and duty and*  
5                     *rest time regulations under such part 135 of such*  
6                     *title shall apply; and*

7                     (B) *the weather reporting requirement at*  
8                     *the destination shall not apply until such time*  
9                     *as the Administrator of the Federal Aviation Ad-*  
10                    *ministration determines that portable, reliable,*  
11                    *and accurate ground-based weather measuring*  
12                    *and reporting systems are available.*

13       (b) *IMPLEMENTATION OF FLIGHT RISK EVALUATION*  
14       *PROGRAM.—*

15           (1) *INITIATION.—Not later than 60 days after*  
16           *the date of enactment of this Act, the Administrator*  
17           *of the Federal Aviation Administration shall initiate*  
18           *a rulemaking—*

19                     (A) *to create a standardized checklist of risk*  
20                     *evaluation factors based on Notice 8000.301,*  
21                     *which was issued by the Administration on Au-*  
22                     *gust 1, 2005; and*

23                     (B) *to require helicopter and fixed wing*  
24                     *aircraft emergency medical service operators to*  
25                     *use the checklist created under subparagraph (A)*

1           *to determine whether a mission should be accept-*  
2           *ed.*

3           (2) *COMPLETION.—The rulemaking initiated*  
4           *under paragraph (1) shall be completed not later than*  
5           *18 months after it is initiated.*

6           (c) *COMPREHENSIVE CONSISTENT FLIGHT DISPATCH*  
7           *PROCEDURES.—*

8           (1) *INITIATION.—Not later than 60 days after*  
9           *the date of enactment of this Act, the Administrator*  
10          *of the Federal Aviation Administration shall initiate*  
11          *a rulemaking—*

12                (A) *to require that helicopter and fixed*  
13                *wing emergency medical service operators for-*  
14                *malize and implement performance based flight*  
15                *dispatch and flight-following procedures; and*

16                (B) *to develop a method to assess and en-*  
17                *sure that such operators comply with the require-*  
18                *ments described in subparagraph (A).*

19           (2) *COMPLETION.—The rulemaking initiated*  
20           *under paragraph (1) shall be completed not later than*  
21           *18 months after it is initiated.*

22           (d) *IMPROVING SITUATIONAL AWARENESS.—Within 1*  
23           *year after the date of enactment of this Act, any helicopter*  
24           *or fixed-wing aircraft used for emergency medical service*  
25           *shall have on board a device that performs the function of*



1 *a terrain awareness and warning system and a means of*  
2 *displaying that information that meets the requirements of*  
3 *the applicable Federal Aviation Administration Technical*  
4 *Standard Order or other guidance prescribed by the Admin-*  
5 *istrator.*

6 *(e) IMPROVING THE DATA AVAILABLE ON AIR MED-*  
7 *ICAL OPERATIONS.—*

8 *(1) IN GENERAL.—The Administrator of the Fed-*  
9 *eral Aviation Administration shall require each cer-*  
10 *tificate holder for helicopters and fixed-wing aircraft*  
11 *used for emergency medical service operations to re-*  
12 *port not later than 1 year after the date of enactment*  
13 *of this Act and annually thereafter on—*

14 *(A) the number of aircraft and helicopters*  
15 *used to provide air ambulance services, the reg-*  
16 *istration number of each of these aircraft or heli-*  
17 *copters, and the base location of each of these*  
18 *aircraft or helicopters;*

19 *(B) the number of flights and hours flown*  
20 *by each such aircraft or helicopter used by the*  
21 *certificate holder to provide such services during*  
22 *the reporting period;*

23 *(C) the number of flights and the purpose of*  
24 *each flight for each aircraft or helicopter used by*

1        *the certificate holder to provide such services*  
2        *during the reporting period;*

3            *(D) the number of flight requests for a heli-*  
4        *copter providing helicopter air ambulance serv-*  
5        *ices that were accepted or declined by the certifi-*  
6        *cate holder and the type of each such flight re-*  
7        *quest (such as scene response, inter-facility*  
8        *transport, organ transport, or ferry or repo-*  
9        *sitioning flight);*

10          *(E) the number of accidents involving heli-*  
11        *copters operated by the certificate holder while*  
12        *providing helicopter air ambulance services and*  
13        *a description of the accidents;*

14          *(F) the number of flights and hours flown*  
15        *under instrument flight rules by helicopters oper-*  
16        *ated by the certificate holder while providing heli-*  
17        *copter air ambulance services;*

18          *(G) the time of day of each flight flown by*  
19        *helicopters operated by the certificate holder*  
20        *while providing helicopter air ambulance serv-*  
21        *ices; and*

22          *(H) The number of incidents where more*  
23        *helicopters arrive to transport patients than is*  
24        *needed in a flight request or scene response.*

1           (2) *REPORT TO CONGRESS.*—*The Administrator*  
2           *of the Federal Aviation Administration shall report to*  
3           *Congress on the information received pursuant to*  
4           *paragraph (1) of this subsection no later than 18*  
5           *months after the date of enactment of this Act.*

6           (f) *IMPROVING THE DATA AVAILABLE TO NTSB IN-*  
7           *VESTIGATORS AT CRASH SITES.*—

8           (1) *STUDY.*—*Not later than 120 days after the*  
9           *date of enactment of this Act, the Administrator of the*  
10          *Federal Aviation Administration shall issue a report*  
11          *that indicates the availability, survivability, size,*  
12          *weight, and cost of devices that perform the function*  
13          *of recording voice communications and flight data in-*  
14          *formation on existing and new helicopters and exist-*  
15          *ing and new fixed wing aircraft used for emergency*  
16          *medical service operations.*

17          (2) *RULEMAKING.*—*Not later than 1 year after*  
18          *the date of enactment of this Act, the Administrator*  
19          *of the Federal Aviation Administration shall issue*  
20          *regulations that require devices that perform the func-*  
21          *tion of recording voice communications and flight*  
22          *data information on board aircraft described in para-*  
23          *graph (1).*

24   **SEC. 508. CABIN CREW COMMUNICATION.**

25          (a) *IN GENERAL.*—*Section 44728 is amended—*

1           (1) *by redesignating subsection (f) as subsection*  
2           *(g); and*

3           (2) *by inserting after subsection (e) the following:*

4           “(f) *MINIMUM LANGUAGE SKILLS.—*

5           “(1) *IN GENERAL.—No certificate holder may use*  
6           *any person to serve, nor may any person serve, as a*  
7           *flight attendant under this part, unless that person*  
8           *has demonstrated to an individual qualified to deter-*  
9           *mine proficiency the ability to read, speak, and write*  
10          *English well enough to—*

11           “(A) *read material written in English and*  
12          *comprehend the information;*

13           “(B) *speak and understand English suffi-*  
14          *ciently to provide direction to, and understand*  
15          *and answer questions from, English-speaking in-*  
16          *dividuals;*

17           “(C) *write incident reports and statements*  
18          *and log entries and statements; and*

19           “(D) *carry out written and oral instruc-*  
20          *tions regarding the proper performance of their*  
21          *duties.*

22           “(2) *FOREIGN FLIGHTS.—The requirements of*  
23          *paragraph (1) do not apply to service as a flight at-*  
24          *tendant serving solely between points outside the*  
25          *United States.”.*

1       (b) *ADMINISTRATION.*—*The Administrator of the Fed-*  
2 *eral Aviation Administration shall work with certificate*  
3 *holders to which section 44728(f) of title 49, United States*  
4 *Code, applies to facilitate compliance with the requirements*  
5 *of section 44728(f)(1) of that title.*

6 **SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-**  
7 **STANDING WITH OSHA.**

8       (a) *IN GENERAL.*—*Within 6 months after the date of*  
9 *enactment of this Act, the Administrator of the Federal*  
10 *Aviation Administration shall—*

11               (1) *establish milestones, in consultation with the*  
12 *Occupational Safety and Health Administration,*  
13 *through a report to Congress for the completion of*  
14 *work begun under the August 2000 memorandum of*  
15 *understanding between the 2 Administrations and to*  
16 *address issues needing further action in the Adminis-*  
17 *trations' joint report in December 2000; and*

18               (2) *initiate development of a policy statement to*  
19 *set forth the circumstances in which Occupational*  
20 *Safety and Health Administration requirements may*  
21 *be applied to crewmembers while working in the air-*  
22 *craft.*

23       (b) *POLICY STATEMENT.*—*The policy statement to be*  
24 *developed under subsection (a)(2) shall be completed within*

1 18 months after the date of enactment of this Act and shall  
2 satisfy the following principles:

3 (1) The establishment of a coordinating body  
4 similar to the Aviation Safety and Health Joint  
5 Team established by the August 2000 memorandum of  
6 understanding that includes representatives des-  
7 ignated by both Administrations—

8 (A) to examine the applicability of current  
9 and future Occupational Safety and Health Ad-  
10 ministration regulations;

11 (B) to recommend policies for facilitating  
12 the training of Federal Aviation Administration  
13 inspectors; and

14 (C) to make recommendations that will gov-  
15 ern the inspection and enforcement of safety and  
16 health standards on board aircraft in operation  
17 and all work-related environments.

18 (2) Any standards adopted by the Federal Avia-  
19 tion Administration shall set forth clearly—

20 (A) the circumstances under which an em-  
21 ployer is required to take action to address occu-  
22 pational safety and health hazards;

23 (B) the measures required of an employer  
24 under the standard; and

1           (C) the compliance obligations of an em-  
2           ployer under the standard.

3 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**  
4 **MENTATION OF REQUIRED NAVIGATION PER-**  
5 **FORMANCE APPROACH PROCEDURES.**

6       (a) *IN GENERAL.*—

7           (1) *ANNUAL MINIMUM REQUIRED NAVIGATION*  
8 *PERFORMANCE PROCEDURES.*—*The Administrator*  
9 *shall set a target of achieving a minimum of 200 Re-*  
10 *quired Navigation Performance procedures each fiscal*  
11 *year through fiscal year 2012, with 25 percent of that*  
12 *target number meeting the low visibility approach*  
13 *criteria consistent with the NextGen Implementation*  
14 *Plan.*

15          (2) *USE OF THIRD PARTIES.*—*The Adminis-*  
16 *trator is authorized to provide third parties the abil-*  
17 *ity to design, flight check, and implement Required*  
18 *Navigation Performance approach procedures.*

19       (b) *DOT INSPECTOR GENERAL REVIEW OF OPER-*  
20 *ATIONAL AND APPROACH PROCEDURES BY A THIRD*  
21 *PARTY.*—

22          (1) *REVIEW.*—*The Inspector General of the De-*  
23 *partment of Transportation shall conduct a review re-*  
24 *garding the effectiveness of the oversight activities*  
25 *conducted by the Administration in connection with*

1     *any agreement with or delegation of authority to a*  
2     *third party for the development of flight procedures,*  
3     *including public use procedures, for the National Air-*  
4     *space System.*

5             (2) *ASSESSMENTS.—The Inspector General shall*  
6     *include, at a minimum, in the review—*

7                 (A) *an assessment of the extent to which the*  
8                 *Administration is relying or intends to rely on*  
9                 *a third party for the development of new proce-*  
10                *dures and a determination of whether the Ad-*  
11                *ministration has established sufficient mecha-*  
12                *nisms and staffing to provide safety oversight*  
13                *functions, which may include quality assurance*  
14                *processes, flight checks, integration of procedures*  
15                *into the National Aviation System, and oper-*  
16                *ational assessments of procedures developed by*  
17                *third parties; and*

18                (B) *an assessment regarding whether the*  
19                *Administration has sufficient existing personnel*  
20                *and technical resources or mechanisms to develop*  
21                *such flight procedures in a safe and efficient*  
22                *manner to meet the demands of the National*  
23                *Airspace System without the use of third party*  
24                *resources.*



1       (c) *REPORT.*—No later than 1 year after the date of  
2   enactment of this Act, the Inspector General shall submit  
3   to the Senate Committee on Commerce, Science, and Trans-  
4   portation and the House of Representatives Committee on  
5   Transportation and Infrastructure a report on the results  
6   of the review conducted under this section.

7   **SEC. 511. IMPROVED SAFETY INFORMATION.**

8       Not later than December 31, 2009, the Administrator  
9   of the Federal Aviation Administration shall issue a final  
10  rule in docket No. FAA–2008–0188, *Re-registration and*  
11 *Renewal of Aircraft Registration*. The final rule shall in-  
12 clude—

13           (1) *provision for the expiration of a certificate*  
14       *for an aircraft registered as of the date of enactment*  
15       *of this Act, with re-registration requirements for those*  
16       *aircraft that remain eligible for registration;*

17           (2) *provision for the periodic expiration of all*  
18       *certificates issued after the effective date of the rule*  
19       *with a registration renewal process; and*

20           (3) *other measures to promote the accuracy and*  
21       *efficient operation and value of the Administration’s*  
22       *aircraft registry.*

1 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**  
2 **IMPROVEMENTS.**

3 (a) *IN GENERAL.*—Within 180 days after the date of  
4 enactment of this Act, the Administrator of the Federal  
5 Aviation Administration shall—

6 (1) take such action as may be necessary to en-  
7 sure that the Voluntary Disclosure Reporting Process  
8 requires inspectors—

9 (A) to evaluate corrective action proposed  
10 by an air carrier with respect to a matter dis-  
11 closed by that air carrier is sufficiently com-  
12 prehensive in scope and application and applies  
13 to all affected aircraft operated by that air car-  
14 rier before accepting the proposed voluntary dis-  
15 closure;

16 (B) to verify that corrective action so iden-  
17 tified by an air carrier is completed within the  
18 timeframe proposed; and

19 (C) to verify by inspection that the carrier's  
20 corrective action adequately corrects the problem  
21 that was disclosed; and

22 (2) establish a second level supervisory review of  
23 disclosures under the Voluntary Disclosure Reporting  
24 Process before any proposed disclosure is accepted and  
25 closed that will ensure that a matter disclosed by an  
26 air carrier—

1           (A) has not been previously identified by a  
2       *Federal Aviation Administration inspector; and*  
3           (B) has not been previously disclosed by the  
4       *carrier in the preceding 5 years.*

5       (b) GAO STUDY.—

6           (1) *IN GENERAL.*—The Comptroller General shall  
7       conduct a study of the Voluntary Disclosure Report-  
8       ing Program.

9           (2) *REVIEW.*—In conducting the study, the  
10      Comptroller General shall examine, at a minimum,  
11      whether—

12           (A) there is evidence that voluntary disclo-  
13      sure is resulting in regulated entities discovering  
14      and correcting violations to a greater extent than  
15      would otherwise occur if there was no program  
16      for immunity from enforcement action;

17           (B) the voluntary disclosure program makes  
18      the Federal Aviation Administration aware of  
19      violations that it would not have discovered if  
20      there was not a program, and if a violation is  
21      disclosed voluntarily, whether the Administra-  
22      tion insists on stronger corrective actions than  
23      would have occurred if the regulated entity knew  
24      of a violation, but the Administration did not;

1           (C) the information the Administration gets  
 2           under the program leads to fewer violations by  
 3           other entities, either because the information  
 4           leads other entities to look for similar violations  
 5           or because the information leads Administration  
 6           investigators to look for similar violations at  
 7           other entities; and

8           (D) there is any evidence that voluntary  
 9           disclosure has improved compliance with regula-  
 10          tions, either for the entities making disclosures or  
 11          for the industry generally.

12          (3) *REPORT.*—Not later than one year after the  
 13          date of enactment of this Act, the Comptroller General  
 14          shall submit a report to the Senate Committee on  
 15          Commerce, Science, and Transportation and the  
 16          House of Representatives Committee on Transpor-  
 17          tation and Infrastructure on the results of the study  
 18          conducted under this subsection.

19 **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.**

20          (a) *IN GENERAL.*—Section 44711 is amended by add-  
 21          ing at the end the following:

22          “(d) *POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT*  
 23          *STANDARDS INSPECTORS.*—

24                  “(1) *PROHIBITION.*—A person holding an oper-  
 25          ating certificate issued under title 14, Code of Federal

1     *Regulations, may not knowingly employ, or make a*  
2     *contractual arrangement which permits, an indi-*  
3     *vidual to act as an agent or representative of the cer-*  
4     *tificate holder in any matter before the Federal Avia-*  
5     *tion Administration if the individual, in the pre-*  
6     *ceding 3-year period—*

7             *“(A) served as, or was responsible for over-*  
8             *sight of, a flight standards inspector of the Ad-*  
9             *ministration; and*

10            *“(B) had responsibility to inspect, or over-*  
11            *see inspection of, the operations of the certificate*  
12            *holder.*

13            *“(2) WRITTEN AND ORAL COMMUNICATIONS.—*  
14     *For purposes of paragraph (1), an individual shall be*  
15     *considered to be acting as an agent or representative*  
16     *of a certificate holder in a matter before the Federal*  
17     *Aviation Administration if the individual makes any*  
18     *written or oral communication on behalf of the cer-*  
19     *tificate holder to the Administration (or any of its of-*  
20     *ficers or employees) in connection with a particular*  
21     *matter, whether or not involving a specific party and*  
22     *without regard to whether the individual has partici-*  
23     *ipated in, or had responsibility for, the particular*  
24     *matter while serving as a flight standards inspector*  
25     *of the Administration.”.*

1       (b) *APPLICABILITY.*—The amendment made by sub-  
2   section (a) shall not apply to an individual employed by  
3   a certificate holder as of the date of enactment of this Act.

4   **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

5       Within 30 days after the date of enactment of this Act,  
6   the Comptroller General shall initiate a review and inves-  
7   tigation of air safety issues identified by Federal Aviation  
8   Administration employees and reported to the Adminis-  
9   trator. The Comptroller General shall report the Govern-  
10  ment Accountability Office’s findings and recommendations  
11  to the Administrator, the Senate Committee on Commerce,  
12  Science, and Transportation, and the House of Representa-  
13  tives Committee on Transportation and Infrastructure on  
14  an annual basis.

15  **SEC. 515. NATIONAL REVIEW TEAM.**

16       (a) *IN GENERAL.*—Within 180 days after the date of  
17  enactment of this Act, the Administrator of the Federal  
18  Aviation Administration shall establish a national review  
19  team within the Administration to conduct periodic, unan-  
20  nounced, and random reviews of the Administration’s over-  
21  sight of air carriers and report annually its findings and  
22  recommendations to the Administrator, the Senate Com-  
23  merce, Science, and Transportation Committee, and the  
24  House of Representatives Committee on Transportation and  
25  Infrastructure.

1       (b) *LIMITATION.*—*The Administrator shall prohibit a*  
2 *member of the National Review Team from participating*  
3 *in any review or audit of an air carrier under subsection*  
4 *(a) if the member has previously had responsibility for in-*  
5 *specting, or overseeing the inspection of, the operations of*  
6 *that air carrier.*

7       (c) *INSPECTOR GENERAL REPORTS.*—*The Inspector*  
8 *General of the Department of Transportation shall provide*  
9 *progress reports to the Senate Committee on Commerce,*  
10 *Science, and Transportation and the House of Representa-*  
11 *tives Committee on Transportation and Infrastructure on*  
12 *the review teams and their effectiveness.*

13 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

14       (a) *REVIEW.*—*Within 1 year after the date of enact-*  
15 *ment of this Act, the Administrator of the Federal Aviation*  
16 *Administration shall conduct a comprehensive review and*  
17 *evaluation of its Academy and facility training efforts.*

18       (b) *FACILITY TRAINING PROGRAM.*—*The Adminis-*  
19 *trator shall—*

20               (1) *clarify responsibility for oversight and direc-*  
21 *tion of the Academy's facility training program at*  
22 *the national level;*

23               (2) *communicate information concerning that re-*  
24 *sponsibility to facility managers; and*

(3) *establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—*

*(A) the number of available on-the-job-training instructors;*

*(B) available classroom space;*

*(C) the number of available simulators;*

*(D) training requirements; and*

*(E) the number of recently placed new personnel already in training.*

**SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.**

*(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.*

*(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—*



1           (1) *identifying the office responsible for estab-*  
 2           *lishing regulations regarding operational errors and*  
 3           *runway incursions;*

4           (2) *identifying who is responsible for tracking*  
 5           *and investigating operational errors and runway in-*  
 6           *cursions and taking remedial actions;*

7           (3) *identifying who is responsible for tracking*  
 8           *operational errors and runway incursions, including*  
 9           *a process for lower level employees to report to higher*  
 10          *supervisory levels; and*

11          (4) *periodic random audits of the oversight proc-*  
 12          *ess.*

13 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**  
 14           **TION OFFICE.**

15          *Section 106 is amended by adding at the end the fol-*  
 16          *lowing:*

17          “(s) *AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*  
 18          *TION OFFICE.*—

19               “(1) *ESTABLISHMENT.*—*There is established in*  
 20               *the Administration an Aviation Safety Whistleblower*  
 21               *Investigation Office.*

22               “(2) *DIRECTOR.*—

23                   “(A) *APPOINTMENT.*—*The head of the Office*  
 24                   *shall be the Director, who shall be appointed by*  
 25                   *the Secretary of Transportation.*

1           “(B) *QUALIFICATIONS.*—*The Director shall*  
2           *have a demonstrated ability in investigations*  
3           *and knowledge of or experience in aviation.*

4           “(C) *TERM.*—*The Director shall be ap-*  
5           *pointed for a term of 5 years.*

6           “(D) *VACANCY.*—*Any individual appointed*  
7           *to fill a vacancy in the position of the Director*  
8           *occurring before the expiration of the term for*  
9           *which the individual’s predecessor was appointed*  
10          *shall be appointed for the remainder of that*  
11          *term.*

12          “(3) *COMPLAINTS AND INVESTIGATIONS.*—

13               “(A) *AUTHORITY OF DIRECTOR.*—*The Di-*  
14               *rector shall—*

15                       “(i) *receive complaints and informa-*  
16                       *tion submitted by employees of persons*  
17                       *holding certificates issued under title 14,*  
18                       *Code of Federal Regulations, and employees*  
19                       *of the Administration concerning the pos-*  
20                       *sible existence of an activity relating to a*  
21                       *violation of an order, regulation, or stand-*  
22                       *ard of the Administration or any other pro-*  
23                       *vision of Federal law relating to aviation*  
24                       *safety;*

1           “(ii) assess complaints and informa-  
2           tion submitted under clause (i) and deter-  
3           mine whether a substantial likelihood exists  
4           that a violation of an order, regulation, or  
5           standard of the Administration or any  
6           other provision of Federal law relating to  
7           aviation safety may have occurred; and

8           “(iii) based on findings of the assess-  
9           ment conducted under clause (ii), make rec-  
10          ommendations to the Administrator in  
11          writing for further investigation or correc-  
12          tive actions.

13          “(B) *DISCLOSURE OF IDENTITIES.*—The Di-  
14          rector shall not disclose the identity of an indi-  
15          vidual who submits a complaint or information  
16          under subparagraph (A)(i) unless—

17               “(i) the individual consents to the dis-  
18               closure in writing; or

19               “(ii) the Director determines, in the  
20               course of an investigation, that the disclo-  
21               sure is unavoidable.

22          “(C) *INDEPENDENCE OF DIRECTOR.*—The  
23          Secretary, the Administrator, or any officer or  
24          employee of the Administration may not prevent  
25          or prohibit the Director from initiating, car-

1        *rying out, or completing any assessment of a*  
2        *complaint or information submitted subpara-*  
3        *graph (A)(i) or from reporting to Congress on*  
4        *any such assessment.*

5                “(D) *ACCESS TO INFORMATION.*—*In con-*  
6        *ducting an assessment of a complaint or infor-*  
7        *mation submitted under subparagraph (A)(i),*  
8        *the Director shall have access to all records, re-*  
9        *ports, audits, reviews, documents, papers, rec-*  
10        *ommendations, and other material necessary to*  
11        *determine whether a substantial likelihood exists*  
12        *that a violation of an order, regulation, or*  
13        *standard of the Administration or any other pro-*  
14        *vision of Federal law relating to aviation safety*  
15        *may have occurred.*

16                “(4) *RESPONSES TO RECOMMENDATIONS.*—  
17        *The Administrator shall respond to a rec-*  
18        *ommendation made by the Director under sub-*  
19        *paragraph (A)(iii) in writing and retain records*  
20        *related to any further investigations or corrective*  
21        *actions taken in response to the recommendation.*

22                “(5) *INCIDENT REPORTS.*—*If the Director deter-*  
23        *mines there is a substantial likelihood that a viola-*  
24        *tion of an order, regulation, or standard of the Ad-*  
25        *ministration or any other provision of Federal law*

1     *relating to aviation safety may have occurred that re-*  
2     *quires immediate corrective action, the Director shall*  
3     *report the potential violation expeditiously to the Ad-*  
4     *ministrator and the Inspector General of the Depart-*  
5     *ment of Transportation.*

6             “(6) *REPORTING OF CRIMINAL VIOLATIONS TO*  
7     *INSPECTOR GENERAL.—If the Director has reasonable*  
8     *grounds to believe that there has been a violation of*  
9     *Federal criminal law, the Director shall report the*  
10    *violation expeditiously to the Inspector General.*

11            “(7) *ANNUAL REPORTS TO CONGRESS.—Not later*  
12    *than October 1 of each year, the Director shall submit*  
13    *to Congress a report containing—*

14                “(A) *information on the number of submis-*  
15                *sions of complaints and information received by*  
16                *the Director under paragraph (3)(A)(i) in the*  
17                *preceding 12-month period;*

18                “(B) *summaries of those submissions;*

19                “(C) *summaries of further investigations*  
20                *and corrective actions recommended in response*  
21                *to the submissions; and*

22                “(D) *summaries of the responses of the Ad-*  
23                *ministrator to such recommendations.”.*

1 **SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
2 **TIVE.**

3 (a) *MODIFICATION OF INITIATIVE.*—Not later than 90  
4 days after the date of enactment of this Act, the Adminis-  
5 trator of the Federal Aviation Administration shall modify  
6 the customer service initiative, mission and vision state-  
7 ments, and other statements of policy of the Administra-  
8 tion—

9 (1) to remove any reference to air carriers or  
10 other entities regulated by the Administration as  
11 “customers”;

12 (2) to clarify that in regulating safety the only  
13 customers of the Administration are members of the  
14 traveling public; and

15 (3) to clarify that air carriers and other entities  
16 regulated by the Administration do not have the right  
17 to select the employees of the Administration who will  
18 inspect their operations.

19 (b) *SAFETY PRIORITY.*—In carrying out the Adminis-  
20 trator’s responsibilities, the Administrator shall ensure that  
21 safety is given a higher priority than preventing the dis-  
22 satisfaction of an air carrier or other entity regulated by  
23 the Administration with an employee of the Administra-  
24 tion.

1 **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
2 **TATION OVERSIGHT SYSTEM DATABASE.**

3 (a) *REVIEWS.*—*The Administrator of the Federal*  
4 *Aviation Administration shall establish a process by which*  
5 *the air transportation oversight system database of the Ad-*  
6 *ministration is reviewed by a team of employees of the*  
7 *Agency on a monthly basis to ensure that—*

8 (1) *any trends in regulatory compliance are*  
9 *identified; and*

10 (2) *appropriate corrective actions are taken in*  
11 *accordance with Agency regulations, advisory direc-*  
12 *tives, policies, and procedures.*

13 (b) *MONTHLY TEAM REPORTS.*—

14 (1) *IN GENERAL.*—*The team of employees con-*  
15 *ducting a monthly review of the air transportation*  
16 *oversight system database under subsection (a) shall*  
17 *submit to the Administrator, the Associate Adminis-*  
18 *trator for Aviation Safety, and the Director of Flight*  
19 *Standards a report on the results of the review.*

20 (2) *CONTENTS.*—*A report submitted under para-*  
21 *graph (1) shall identify—*

22 (A) *any trends in regulatory compliance*  
23 *discovered by the team of employees in con-*  
24 *ducting the monthly review; and*

25 (B) *any corrective actions taken or proposed*  
26 *to be taken in response to the trends.*

1       (c) *QUARTERLY REPORTS TO CONGRESS.*—The Ad-  
 2   ministrators, on a quarterly basis, shall submit a report to  
 3   the Senate Committee on Commerce, Science, and Trans-  
 4   portation and the House of Representatives Committee on  
 5   Transportation and Infrastructure on the results of reviews  
 6   of the air transportation oversight system database con-  
 7   ducted under this section, including copies of reports re-  
 8   ceived under subsection (b).

9   **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.**

10       (a) *IN GENERAL.*—Chapter 447 is amended by adding  
 11   at the end the following:

12   **“§ 44730. Inspection of foreign repair stations**

13       “(a) *IN GENERAL.*—Within 1 year after the date of  
 14   enactment of the FAA Air Transportation Modernization  
 15   and Safety Improvement Act the Administrator of the Fed-  
 16   eral Aviation Administration shall establish and implement  
 17   a safety assessment system for all part 145 repair stations  
 18   based on the type, scope, and complexity of work being per-  
 19   formed. The system shall—

20       “(1) ensure that repair stations outside the  
 21   United States are subject to appropriate inspections  
 22   based on identified risk and consistent with existing  
 23   United States requirements;

24       “(2) consider inspection results and findings  
 25   submitted by foreign civil aviation authorities oper-



1        *ating under a maintenance safety or maintenance*  
2        *implementation agreement with the United States in*  
3        *meeting the requirements of the safety assessment sys-*  
4        *tem; and*

5            *“(3) require all maintenance safety or mainte-*  
6        *nance implementation agreements to provide an op-*  
7        *portunity for the Federal Aviation Administration to*  
8        *conduct independent inspections of covered part 145*  
9        *repair stations when safety concerns warrant such in-*  
10       *spections.*

11        *“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The*  
12       *Administrator shall notify the Senate Committee on Com-*  
13       *merce, Science, and Transportation and the House of Rep-*  
14       *resentatives Committee on Transportation and Infrastruc-*  
15       *ture within 30 days after initiating formal negotiations*  
16       *with foreign aviation authorities or other appropriate for-*  
17       *ign government agencies on a new maintenance safety or*  
18       *maintenance implementation agreement.*

19        *“(c) ANNUAL REPORT.—The Administrator shall pub-*  
20       *lish an annual report on the Federal Aviation Administra-*  
21       *tion’s oversight of part 145 repair stations and implemen-*  
22       *tation of the safety assessment system required by subsection*  
23       *(a). The report shall—*

24            *“(1) describe in detail any improvements in the*  
25        *Federal Aviation Administration’s ability to identify*

1       *and track where part 121 air carrier repair work is*  
 2       *performed;*

3               “(2) *include a staffing model to determine the*  
 4       *best placement of inspectors and the number of in-*  
 5       *spectors needed;*

6               “(3) *describe the training provided to inspectors;*  
 7       *and*

8               “(4) *include an assessment of the quality of mon-*  
 9       *itoring and surveillance by the Federal Aviation Ad-*  
 10       *ministration of work provided by its inspectors and*  
 11       *the inspectors of foreign authorities operating under*  
 12       *a maintenance safety or implementation agreement.*

13       “(d) *ALCOHOL AND CONTROLLED SUBSTANCE TEST-*  
 14       *ING PROGRAM REQUIREMENTS.—*

15               “(1) *IN GENERAL.—The Secretaries of State and*  
 16       *Transportation jointly shall request the governments*  
 17       *of foreign countries that are members of the Inter-*  
 18       *national Civil Aviation Organization to establish*  
 19       *international standards for alcohol and controlled*  
 20       *substances testing of persons that perform safety sen-*  
 21       *sitive maintenance functions upon commercial air*  
 22       *carrier aircraft.*

23               “(2) *APPLICATION TO PART 121 AIRCRAFT*  
 24       *WORK.—Within 1 year after the date of enactment of*  
 25       *the FAA Air Transportation Modernization and Safe-*

1        *ty Improvement Act the Administrator shall promul-*  
2        *gate a proposed rule requiring that all part 145 re-*  
3        *pair station employees responsible for safety-sensitive*  
4        *functions on part 121 air carrier aircraft are subject*  
5        *to an alcohol and controlled substance testing pro-*  
6        *gram determined acceptable by the Administrator and*  
7        *consistent with the applicable laws of the country in*  
8        *which the repair station is located.*

9        “(e) *BIANNUAL INSPECTIONS.*—*The Administrator*  
10       *shall require part 145 repair stations to be inspected twice*  
11       *each year by Federal Aviation Administration safety in-*  
12       *spectors, regardless of where the station is located, in a*  
13       *manner consistent with United States obligations under*  
14       *international agreements.*

15       “(f) *DEFINITIONS.*—*In this section:*

16                “(1) *PART 121 AIR CARRIER.*—*The term ‘part*  
17                *121 air carrier’ means an air carrier that holds a*  
18                *certificate issued under part 121 of title 14, Code of*  
19                *Federal Regulations.*

20                “(2) *PART 145 REPAIR STATION.*—*The term*  
21                *‘part 145 repair station’ means a repair station that*  
22                *holds a certificate issued under part 145 of title 14,*  
23                *Code of Federal Regulations.’.*

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 447 is amended by adding at the end thereof*  
 3 *the following:*

*“44730. Inspection of foreign repair stations”.*

4   **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

5       (a) *REGULATIONS.*—*Not later than 3 years after the*  
 6 *date of enactment of this Act, the Administrator of the Fed-*  
 7 *eral Aviation Administration shall issue regulations requir-*  
 8 *ing that all covered maintenance work on aircraft used to*  
 9 *provide air transportation under part 121 of title 14, Code*  
 10 *of Federal Regulations, be performed by individuals in ac-*  
 11 *cordance with subsection (b).*

12       (b) *PERSONS AUTHORIZED TO PERFORM CERTAIN*  
 13 *WORK.*—*No individual may perform covered maintenance*  
 14 *work on aircraft used to provide air transportation under*  
 15 *part 121 of title 14, Code of Federal Regulations unless that*  
 16 *individual is employed by—*

17           (1) *a part 121 air carrier;*  
 18           (2) *a part 145 repair station or a person author-*  
 19 *ized under section 43.17 of title 14, Code of Federal*  
 20 *Regulations;*

21           (3) *a person that provides contract maintenance*  
 22 *workers or services to a part 145 repair station or*  
 23 *part 121 air carrier, and the individual—*

24               (A) *meets the requirements of the part 121*  
 25 *air carrier or the part 145 repair station;*

1           (B) performs the work under the direct su-  
 2           pervision and control of the part 121 air carrier  
 3           or the part 145 repair station directly in charge  
 4           of the maintenance services; and

5           (C) carries out the work in accordance with  
 6           the part 121 air carrier's maintenance manual;

7           (4) by the holder of a type certificate, production  
 8           certificate, or other production approval issued under  
 9           part 21 of title 14, Code of Federal Regulations, and  
 10          the holder of such certificate or approval—

11          (A) originally produced, and continues to  
 12          produce, the article upon which the work is to be  
 13          performed; and

14          (B) is acting in conjunction with a part  
 15          121 air carrier or a part 145 repair station.

16       (d) *DEFINITIONS.—In this section:*

17           (1) *COVERED MAINTENANCE WORK.—The term*  
 18           *“covered maintenance work” means maintenance*  
 19           *work that is essential maintenance, regularly sched-*  
 20           *uled maintenance, or a required inspection item, as*  
 21           *determined by the Administrator.*

22           (2) *PART 121 AIR CARRIER.—The term “part*  
 23           *121 air carrier” has the meaning given that term in*  
 24           *section 44730(f)(1) of title 49, United States Code.*

1           (3) *PART 145 REPAIR STATION.*—The term “part  
2       145 repair station” has the meaning given that term  
3       in section 44730(f)(2) of title 49, United States Code.

4   **SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

5       Not later than 180 days after the date of enactment  
6   of this Act, the Administrator of the Federal Aviation Ad-  
7   ministration shall submit to Congress a report that—

8           (1) describes the use throughout the United  
9       States of explosive pest control devices in mitigating  
10      bird strikes in flight operations;

11          (2) evaluates the utility, cost-effectiveness, and  
12      safety of using explosive pest control devices in wild-  
13      life management; and

14          (3) evaluates the potential impact on flight safe-  
15      ty and operations if explosive pest control devices  
16      were made unavailable or more costly during subse-  
17      quent calendar years.

18                   **SUBTITLE B—FLIGHT SAFETY**

19   **SEC. 551. FAA PILOT RECORDS DATABASE.**

20      (a) *RECORDS OF EMPLOYMENT OF PILOT APPLI-*  
21   *CANTS.*—Section 44703(h) is amended by adding at the end  
22   the following:

23           “(16) *APPLICABILITY.*—This subsection shall  
24      cease to be effective on the date specified in regula-  
25      tions issued under subsection (i).”.

1       **(b) ESTABLISHMENT OF FAA PILOT RECORDS DATA-**  
2 **BASE.**—*Section 44703 is amended—*

3               *(1) by redesignating subsections (i) and (j) as*  
4 *subsections (j) and (k), respectively; and*

5               *(2) by inserting after subsection (h) the fol-*  
6 *lowing:*

7       **“(i) FAA PILOT RECORDS DATABASE.—**

8               **“(1) IN GENERAL.—***Before allowing an indi-*  
9 *vidual to begin service as a pilot, an air carrier shall*  
10 *access and evaluate, in accordance with the require-*  
11 *ments of this subsection, information pertaining to*  
12 *the individual from the pilot records database estab-*  
13 *lished under paragraph (2).*

14               **“(2) PILOT RECORDS DATABASE.—***The Adminis-*  
15 *trator shall establish an electronic database (in this*  
16 *subsection referred to as the ‘database’) containing the*  
17 *following records:*

18               **“(A) FAA RECORDS.—***From the Adminis-*  
19 *trator—*

20                       *“(i) records that are maintained by the*  
21 *Administrator concerning current airman*  
22 *certificates, including airman medical cer-*  
23 *tificates and associated type ratings and in-*  
24 *formation on any limitations to those cer-*  
25 *tificates and ratings;*

1           “(ii) records that are maintained by  
2           the Administrator concerning any failed at-  
3           tempt of an individual to pass a practical  
4           test required to obtain a certificate or type  
5           rating under part 61 of title 14, Code of  
6           Federal Regulations; and

7           “(iii) summaries of legal enforcement  
8           actions resulting in a finding by the Ad-  
9           ministrator of a violation of this title or a  
10          regulation prescribed or order issued under  
11          this title that was not subsequently over-  
12          turned.

13          “(B) AIR CARRIER AND OTHER RECORDS.—  
14          From any air carrier or other person (except a  
15          branch of the Armed Forces, the National Guard,  
16          or a reserve component of the Armed Forces) that  
17          has employed an individual as a pilot of a civil  
18          or public aircraft, or from the trustee in bank-  
19          ruptcy for such air carrier or person—

20               “(i) records pertaining to the indi-  
21               vidual that are maintained by the air car-  
22               rier (other than records relating to flight  
23               time, duty time, or rest time), including  
24               records under regulations set forth in—



1                   “(I) section 121.683 of title 14,  
2                   *Code of Federal Regulations*;

3                   “(II) paragraph (A) of section VI,  
4                   *appendix I, part 121 of such title*;

5                   “(III) paragraph (A) of section  
6                   *IV, appendix J, part 121 of such title*;

7                   “(IV) section 125.401 of such title;

8                   *and*

9                   “(V) section 135.63(a)(4) of such  
10                  *title; and*

11                  “(ii) other records pertaining to the in-  
12                  *dividual’s performance as a pilot that are*  
13                  *maintained by the air carrier or person*  
14                  *concerning—*

15                         “(I) the training, qualifications,  
16                         *proficiency, or professional competence*  
17                         *of the individual, including comments*  
18                         *and evaluations made by a check air-*  
19                         *man designated in accordance with*  
20                         *section 121.411, 125.295, or 135.337 of*  
21                         *such title;*

22                         “(II) any disciplinary action  
23                         *taken with respect to the individual*  
24                         *that was not subsequently overturned;*  
25                         *and*

1                   “(III) any release from employ-  
2                   ment or resignation, termination, or  
3                   disqualification with respect to em-  
4                   ployment.

5                   “(C) NATIONAL DRIVER REGISTER  
6                   RECORDS.—In accordance with section  
7                   30305(b)(8) of this title, from the chief driver li-  
8                   censing official of a State, information con-  
9                   cerning the motor vehicle driving record of the  
10                  individual.

11                  “(3) WRITTEN CONSENT; RELEASE FROM LIABIL-  
12                  ITY.—An air carrier—

13                       “(A) shall obtain the written consent of an  
14                       individual before accessing records pertaining to  
15                       the individual under paragraph (1); and

16                       “(B) may, notwithstanding any other pro-  
17                       vision of law or agreement to the contrary, re-  
18                       quire an individual with respect to whom the  
19                       carrier is accessing records under paragraph (1)  
20                       to execute a release from liability for any claim  
21                       arising from accessing the records or the use of  
22                       such records by the air carrier in accordance  
23                       with this section (other than a claim arising  
24                       from furnishing information known to be false

1       *and maintained in violation of a criminal statute).*  
2

3       “(4) *REPORTING.*—

4               “(A) *REPORTING BY ADMINISTRATOR.*—*The*  
5       *Administrator shall enter data described in*  
6       *paragraph (2)(A) into the database promptly to*  
7       *ensure that an individual’s records are current.*

8               “(B) *REPORTING BY AIR CARRIERS AND*  
9       *OTHER PERSONS.*—

10              “(i) *IN GENERAL.*—*Air carriers and*  
11       *other persons shall report data described in*  
12       *paragraphs (2)(B) and (2)(C) to the Ad-*  
13       *ministrator promptly for entry into the*  
14       *database.*

15              “(ii) *DATA TO BE REPORTED.*—*Air*  
16       *carriers and other persons shall report, at a*  
17       *minimum, under clause (i) the following*  
18       *data described in paragraph (2)(B):*

19                      “(I) *Records that are generated by*  
20       *the air carrier or other person after the*  
21       *date of enactment of the FAA Air*  
22       *Transportation Modernization and*  
23       *Safety Improvement Act.*

24                      “(II) *Records that the air carrier*  
25       *or other person is maintaining, on*

1                    *such date of enactment, pursuant to*  
2                    *subsection (h)(4).*

3                    “(5) *REQUIREMENT TO MAINTAIN RECORDS.—*  
4                    *The Administrator—*

5                    “(A) *shall maintain all records entered into*  
6                    *the database under paragraph (2) pertaining to*  
7                    *an individual until the date of receipt of notifi-*  
8                    *cation that the individual is deceased; and*

9                    “(B) *may remove the individual’s records*  
10                    *from the database after that date.*

11                    “(6) *RECEIPT OF CONSENT.—The Administrator*  
12                    *shall not permit an air carrier to access records per-*  
13                    *taining to an individual from the database under*  
14                    *paragraph (1) without the air carrier first dem-*  
15                    *onstrating to the satisfaction of the Administrator*  
16                    *that the air carrier has obtained the written consent*  
17                    *of the individual.*

18                    “(7) *RIGHT OF PILOT TO REVIEW CERTAIN*  
19                    *RECORDS AND CORRECT INACCURACIES.—Notwith-*  
20                    *standing any other provision of law or agreement, the*  
21                    *Administrator, upon receipt of written request from*  
22                    *an individual—*

23                    “(A) *shall make available, not later than 30*  
24                    *days after the date of the request, to the indi-*

vidual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) *REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.*—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) *PRIVACY PROTECTIONS.*—

“(A) *USE OF RECORDS.*—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

1 “(B) *DISCLOSURE OF INFORMATION.*—

2 “(i) *IN GENERAL.*—*Except as provided*  
3 *by clause (ii), information collected by the*  
4 *Administrator under paragraph (2) shall be*  
5 *exempt from the disclosure requirements of*  
6 *section 552 of title 5.*

7 “(ii) *EXCEPTIONS.*—*Clause (i) shall*  
8 *not apply to—*

9 “(I) *de-identified, summarized in-*  
10 *formation to explain the need for*  
11 *changes in policies and regulations;*

12 “(II) *information to correct a con-*  
13 *dition that compromises safety;*

14 “(III) *information to carry out a*  
15 *criminal investigation or prosecution;*

16 “(IV) *information to comply with*  
17 *section 44905, regarding information*  
18 *about threats to civil aviation; and*

19 “(V) *such information as the Ad-*  
20 *ministrator determines necessary, if*  
21 *withholding the information would not*  
22 *be consistent with the safety respon-*  
23 *sibilities of the Federal Aviation Ad-*  
24 *ministration.*

1           “(10) *PERIODIC REVIEW*.—Not later than 18  
2           months after the date of enactment of the *FAA Air*  
3           *Transportation Modernization and Safety Improve-*  
4           *ment Act*, and at least once every 3 years thereafter,  
5           the Administrator shall transmit to Congress a state-  
6           ment that contains, taking into account recent devel-  
7           opments in the aviation industry—

8                   “(A) recommendations by the Administrator  
9                   concerning proposed changes to *Federal Aviation*  
10                  *Administration records*, *air carrier records*, and  
11                  *other records required to be included in the data-*  
12                  *base under paragraph (2)*; or

13                  “(B) reasons why the Administrator does  
14                  not recommend any proposed changes to the  
15                  records referred to in subparagraph (A).

16           “(11) *REGULATIONS FOR PROTECTION AND SE-*  
17           *CURITY OF RECORDS*.—The Administrator shall pre-  
18           scribe such regulations as may be necessary—

19                   “(A) to protect and secure—

20                          “(i) the personal privacy of any indi-  
21                          vidual whose records are accessed under  
22                          paragraph (1); and

23                          “(ii) the confidentiality of those  
24                          records; and

1           “(B) to preclude the further dissemination  
2           of records received under paragraph (1) by the  
3           person who accessed the records.

4           “(12) GOOD FAITH EXCEPTION.—Notwith-  
5           standing paragraph (1), an air carrier may allow an  
6           individual to begin service as a pilot, without first  
7           obtaining information described in paragraph (2)(B)  
8           from the database pertaining to the individual, if—

9           “(A) the air carrier has made a documented  
10          good faith attempt to access the information  
11          from the database; and

12          “(B) has received written notice from the  
13          Administrator that the information is not con-  
14          tained in the database because the individual  
15          was employed by an air carrier or other person  
16          that no longer exists or by a foreign government  
17          or other entity that has not provided the infor-  
18          mation to the database.

19          “(13) LIMITATIONS ON ELECTRONIC ACCESS TO  
20          RECORDS.—

21          “(A) ACCESS BY INDIVIDUALS DESIGNATED  
22          BY AIR CARRIERS.—For the purpose of increas-  
23          ing timely and efficient access to records de-  
24          scribed in paragraph (2), the Administrator may  
25          allow, under terms established by the Adminis-



1        *trator, an individual designated by an air car-*  
2        *rier to have electronic access to the database.*

3            *“(B) TERMS.—The terms established by the*  
4        *Administrator under subparagraph (A) for al-*  
5        *lowing a designated individual to have electronic*  
6        *access to the database shall limit such access to*  
7        *instances in which information in the database*  
8        *is required by the designated individual in mak-*  
9        *ing a hiring decision concerning a pilot appli-*  
10       *cant and shall require that the designated indi-*  
11       *vidual provide assurances satisfactory to the Ad-*  
12       *ministrator that—*

13            *“(i) the designated individual has re-*  
14        *ceived the written consent of the pilot appli-*  
15        *cant to access the information; and*

16            *“(ii) information obtained using such*  
17        *access will not be used for any purpose*  
18        *other than making the hiring decision.*

19        *“(14) REGULATIONS.—*

20            *“(A) IN GENERAL.—The Administrator*  
21        *shall issue regulations to carry out this sub-*  
22        *section.*

23            *“(B) EFFECTIVE DATE.—The regulations*  
24        *shall specify the date on which the requirements*  
25        *of this subsection take effect and the date on*

1       *which the requirements of subsection (h) cease to*  
2       *be effective.*

3               “(C) *EXCEPTIONS.*—*Notwithstanding sub-*  
4       *paragraph (B)—*

5               “(i) *the Administrator shall begin to*  
6       *establish the database under paragraph (2)*  
7       *not later than 90 days after the date of en-*  
8       *actment of the FAA Air Transportation*  
9       *Modernization and Safety Improvement*  
10       *Act;*

11              “(ii) *the Administrator shall maintain*  
12       *records in accordance with paragraph (5)*  
13       *beginning on the date of enactment of that*  
14       *Act; and*

15              “(iii) *air carriers and other persons*  
16       *shall maintain records to be reported to the*  
17       *database under paragraph (4)(B) in the pe-*  
18       *riod beginning on such date of enactment*  
19       *and ending on the date that is 5 years after*  
20       *the requirements of subsection (h) cease to*  
21       *be effective pursuant to subparagraph (B).*

22              “(15) *SPECIAL RULE.*—*During the one-year pe-*  
23       *riod beginning on the date on which the requirements*  
24       *of this section become effective pursuant to paragraph*

1       (15)(B), paragraph (7)(A) shall be applied by sub-  
 2       stituting ‘45 days’ for ‘30 days’.”.

3       (c) CONFORMING AMENDMENTS.—

4               (1) LIMITATION ON LIABILITY; PREEMPTION OF  
 5       STATE LAW.—Section 44703(j) (as redesignated by  
 6       subsection (b)(1) of this section) is amended—

7               (A) in the subsection heading by striking  
 8       “LIMITATION” and inserting “LIMITATIONS”;

9               (B) in paragraph (1)—

10              (i) in the matter preceding subpara-  
 11       graph (A) by striking “paragraph (2)” and  
 12       inserting “subsection (h)(2) or (i)(3)”;

13              (ii) in subparagraph (A) by inserting  
 14       “or accessing the records of that individual  
 15       under subsection (i)(1)” before the semi-  
 16       colon; and

17              (iii) in the matter following subpara-  
 18       graph (D) by striking “subsection (h)” and  
 19       inserting “subsection (h) or (i)”;

20              (C) in paragraph (2) by striking “sub-  
 21       section (h)” and inserting “subsection (h) or  
 22       (i)”;

23              (D) in paragraph (3), in the matter pre-  
 24       ceding subparagraph (A), by inserting “or who  
 25       furnished information to the database established

1           under subsection (i)(2)” after “subsection  
2           (h)(1)”; and

3           (E) by adding at the end the following:

4           “(4) *PROHIBITION ON ACTIONS AND PRO-*  
5           *CEEDINGS AGAINST AIR CARRIERS.—*

6           “(A) *HIRING DECISIONS.—An air carrier*  
7           *may refuse to hire an individual as a pilot if the*  
8           *individual did not provide written consent for*  
9           *the air carrier to receive records under subsection*  
10          *(h)(2)(A) or (i)(3)(A) or did not execute the re-*  
11          *lease from liability requested under subsection*  
12          *(h)(2)(B) or (i)(3)(B).*

13          “(B) *ACTIONS AND PROCEEDINGS.—No ac-*  
14          *tion or proceeding may be brought against an*  
15          *air carrier by or on behalf of an individual who*  
16          *has applied for or is seeking a position as a pilot*  
17          *with the air carrier if the air carrier refused to*  
18          *hire the individual after the individual did not*  
19          *provide written consent for the air carrier to re-*  
20          *ceive records under subsection (h)(2)(A) or*  
21          *(i)(3)(A) or did not execute a release from liabil-*  
22          *ity requested under subsection (h)(2)(B) or*  
23          *(i)(3)(B).”.*

24          (2) *LIMITATION ON STATUTORY CONSTRUC-*  
25          *TION.—Section 44703(k) (as redesignated by sub-*

1       section (b)(1) of this section) is amended by striking  
2       “subsection (h)” and inserting “subsection (h) or (i)”.

3   **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

4       (a) *IN GENERAL.*—Within 60 days after the date of  
5   enactment of this Act, the Administrator shall initiate and  
6   complete a rulemaking to require part 121 air carriers—

7           (1) to implement, as part of their safety manage-  
8   ment systems—

9                   (A) an Aviation Safety Action Program;

10                   (B) a Flight Operations Quality Assurance  
11   Program;

12                   (C) a Line Operational Safety Audit Pro-  
13   gram; and

14                   (D) a Flight Crew Fatigue Risk Manage-  
15   ment Program;

16       (2) to implement appropriate privacy protection  
17   safeguards with respect to data included in such pro-  
18   grams; and

19       (3) to provide appropriate collaboration and  
20   operational oversight of regional/commuter air car-  
21   riers by affiliated major air carriers that include—

22                   (A) periodic safety audits of flight oper-  
23   ations;

24                   (B) training, maintenance, and inspection  
25   programs; and

1                   (C) provisions for the exchange of safety in-  
2                   formation.

3           (b) *EFFECT ON ADVANCED QUALIFICATION PRO-*  
4 *GRAM.—Implementation of the programs under subsection*  
5 *(a)(1) neither limits nor invalidates the Federal Aviation*  
6 *Administration’s advanced qualification program.*

7           (c) *LIMITATIONS ON DISCIPLINE AND ENFORCE-*  
8 *MENT.—The Administrator shall require that each of the*  
9 *programs described in subsection (a)(1)(A) and (B) estab-*  
10 *lish protections for an air carrier or employee submitting*  
11 *data or reports against disciplinary or enforcement actions*  
12 *by any Federal agency or employer. The protections shall*  
13 *not be less than the protections provided under Federal*  
14 *Aviation Administration Advisory Circulars governing*  
15 *those programs, including Advisory Circular AC No. 120–*  
16 *66 and AC No. 120–82.*

17           (d) *CVR DATA.—The Administrator, acting in col-*  
18 *laboration with aviation industry interested parties, shall*  
19 *consider the merits and feasibility of incorporating cockpit*  
20 *voice recorder data in safety oversight practices.*

21           (e) *ENFORCEMENT CONSISTENCY.—Within 9 months*  
22 *after the date of enactment of this Act, the Administrator*  
23 *shall—*

(1) *develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and*

(2) *ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.*

**SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.**

(a) *IN GENERAL.*—*The first sentence of section 1135(a) is amended by inserting “to the National Transportation Safety Board” after “shall give”.*

(b) *AIR CARRIER SAFETY RECOMMENDATIONS.*—*Section 1135 is amended—*

(1) *by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and*

(2) *by inserting after subsection (b) the following:*

“(c) *ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.*—

“(1) *IN GENERAL.*—*The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.*

1           “(2) *RECOMMENDATIONS TO BE COVERED.*—*The*  
2       *report shall cover—*

3           “(A) *any recommendation for which the*  
4       *Secretary has developed, or intends to develop,*  
5       *procedures to adopt the recommendation or part*  
6       *of the recommendation, but has yet to complete*  
7       *the procedures; and*

8           “(B) *any recommendation for which the*  
9       *Secretary, in the preceding year, has issued a re-*  
10      *sponse under subsection (a)(2) or (a)(3) refusing*  
11      *to carry out all or part of the procedures to*  
12      *adopt the recommendation.*

13       “(3) *CONTENTS.*—

14           “(A) *PLANS TO ADOPT RECOMMENDA-*  
15      *TIONS.*—*For each recommendation of the Board*  
16      *described in paragraph (2)(A), the report shall*  
17      *contain—*

18           “(i) *a description of the recommenda-*  
19      *tion;*

20           “(ii) *a description of the procedures*  
21      *planned for adopting the recommendation*  
22      *or part of the recommendation;*

23           “(iii) *the proposed date for completing*  
24      *the procedures; and*



1                   “(iv) if the Secretary has not met a  
2                   deadline contained in a proposed timeline  
3                   developed in connection with the rec-  
4                   ommendation under subsection (b), an ex-  
5                   planation for not meeting the deadline.

6                   “(B) REFUSALS TO ADOPT RECOMMENDA-  
7                   TIONS.—For each recommendation of the Board  
8                   described in paragraph (2)(B), the report shall  
9                   contain—

10                   “(i) a description of the recommenda-  
11                   tion; and

12                   “(ii) a description of the reasons for  
13                   the refusal to carry out all or part of the  
14                   procedures to adopt the recommendation.”.

15                   (c) IMPLEMENTATION OF NTSB SAFETY REC-  
16                   OMMENDATIONS.—

17                   (1) INSPECTION.—As part of the annual inspec-  
18                   tion of general aviation aircraft, the Administrator of  
19                   the Federal Aviation Administration (referred to in  
20                   this section as the “Administrator”) shall require a  
21                   detailed inspection of each emergency locator trans-  
22                   mitter (referred to in this section as “ELT”) installed  
23                   in general aviation aircraft operating in the United  
24                   States to ensure that each ELT is mounted and re-

1     *tained in accordance with the manufacturer's speci-*  
2     *fications.*

3             (2) *MOUNTING AND RETENTION.*—

4                 (A) *IN GENERAL.*—*Not later than 90 days*  
5                 *after the date of the enactment of this Act, the*  
6                 *Administrator shall determine if the ELT*  
7                 *mounting requirements and retention tests speci-*  
8                 *fied by Technical Standard Orders C91a and*  
9                 *C126 are adequate to assess retention capabili-*  
10                *ties in ELT designs.*

11                (B) *REVISION.*—*Based on the results of the*  
12                *determination conducted under subparagraph*  
13                *(A), the Administrator shall make any necessary*  
14                *revisions to the requirements and tests referred to*  
15                *in subparagraph (A) to ensure that emergency*  
16                *locator transmitters are properly retained in the*  
17                *event of an airplane accident.*

18                (3) *REPORT.*—*Upon the completion of the revi-*  
19                *sions required under paragraph (2)(B), the Adminis-*  
20                *trator shall submit a report on the implementation of*  
21                *this subsection to—*

22                         (A) *the Committee on Commerce, Science,*  
23                         *and Transportation of the Senate; and*

24                         (B) *the Committee on Transportation and*  
25                         *Infrastructure of the House of Representatives.*

1 **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
2 **SURANCE, AVIATION SAFETY ACTION, AND**  
3 **LINE OPERATIONAL SAFETY AUDIT PRO-**  
4 **GRAMS.**

5 (a) *LIMITATION ON DISCLOSURE AND USE OF INFOR-*  
6 *MATION.*—

7 (1) *IN GENERAL.*—*Except as provided by this*  
8 *section, a party in a judicial proceeding may not use*  
9 *discovery to obtain—*

10 (A) *an Aviation Safety Action Program re-*  
11 *port;*

12 (B) *Flight Operational Quality Assurance*  
13 *Program data; or*

14 (C) *a Line Operations Safety Audit Pro-*  
15 *gram report.*

16 (2) *FOIA NOT APPLICABLE.*—*Section 522 of title*  
17 *5, United States Code, shall not apply to reports or*  
18 *data described in paragraph (1).*

19 (3) *EXCEPTIONS.*—*Nothing in paragraph (1) or*  
20 *(2) prohibits the FAA from disclosing information*  
21 *contained in reports or data described in paragraph*  
22 *(1) if withholding the information would not be con-*  
23 *sistent with the FAA's safety responsibilities, includ-*  
24 *ing—*

1           (A) a summary of information, with identi-  
2           fying information redacted, to explain the need  
3           for changes in policies or regulations;

4           (B) information provided to correct a con-  
5           dition that compromises safety, if that condition  
6           continues uncorrected; or

7           (C) information provided to carry out a  
8           criminal investigation or prosecution.

9       (b) *PERMISSIBLE DISCOVERY FOR SUCH REPORTS*  
10 *AND DATA.*—Except as provided in subsection (c), a court  
11 may allow discovery by a party of an Aviation Safety Ac-  
12 tion Program report, Flight Operational Quality Assurance  
13 Program data, or a Line Operations Safety Audit Program  
14 report if, after an in camera review of the information, the  
15 court determines that a party to a claim or defense in the  
16 proceeding shows a particularized need for the report or  
17 data that outweighs the need for confidentiality of the report  
18 or data, considering the confidential nature of the report  
19 or data, and upon a showing that the report or data is  
20 both relevant to the preparation of a claim or defense and  
21 not otherwise known or available.

22       (c) *PROTECTIVE ORDER.*—When a court allows dis-  
23 covery, in a judicial proceeding, of an Aviation Safety Ac-  
24 tion Program report, Flight Operational Quality Assurance

1 *Program data, or a Line Operations Safety Audit Program*  
2 *report, the court shall issue a protective order—*

3 *(1) to limit the use of the information contained*  
4 *in the report or data to the judicial proceeding;*

5 *(2) to prohibit dissemination of the report or*  
6 *data to any person that does not need access to the*  
7 *report for the proceeding; and*

8 *(3) to limit the use of the report or data in the*  
9 *proceeding to the uses permitted for privileged self-*  
10 *analysis information as defined under the Federal*  
11 *Rules of Evidence.*

12 *(d) SEALED INFORMATION.—A court may allow an*  
13 *Aviation Safety Action Program report, Flight Operational*  
14 *Quality Assurance Program data, or a Line Operations*  
15 *Safety Audit Program report to be admitted into evidence*  
16 *in a judicial proceeding only if the court places the report*  
17 *or data under seal to prevent the use of the report or data*  
18 *for purposes other than for the proceeding.*

19 *(e) SAFETY RECOMMENDATIONS.—This section does*  
20 *not prevent the National Transportation Safety Board from*  
21 *referring at any time to information contained in an Avia-*  
22 *tion Safety Action Program report, Flight Operational*  
23 *Quality Assurance Program data, or a Line Operations*  
24 *Safety Audit Program report in making safety rec-*  
25 *ommendations.*

1       (f) *WAIVER.*—*Any waiver of the privilege for self-anal-*  
 2       *ysis information by a protected party, unless occasioned by*  
 3       *the party’s own use of the information in presenting a*  
 4       *claim or defense, must be in writing.*

5       **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**  
 6                       **TESTING, AND CERTIFICATION REQUIRE-**  
 7                       **MENTS.**

8       (a) *TRAINING AND TESTING.*—*The Administrator shall*  
 9       *develop and implement a plan for reevaluation of flight*  
 10       *crew training regulations in effect on the date of enactment*  
 11       *of this Act, including regulations for—*

12               (1) *classroom instruction requirements governing*  
 13       *curriculum content and hours of instruction;*

14               (2) *crew leadership training; and*

15               (3) *initial and recurrent testing requirements for*  
 16       *pilots, including the rigor and consistency of testing*  
 17       *programs such as check rides.*

18       (b) *BEST PRACTICES.*—*The plan shall incorporate best*  
 19       *practices in the aviation industry with respect to training*  
 20       *protocols, methods, and procedures.*

21       (c) *CERTIFICATION.*—*The Administrator shall initiate*  
 22       *a rulemaking to re-evaluate FAA regulations governing the*  
 23       *minimum requirements—*

24               (1) *to become a commercial pilot;*

1           (2) *to receive an Air Transport Pilot Certificate*  
2     *to become a captain; and*

3           (3) *to transition to a new type of aircraft.*

4     (d) *REMEDIAL TRAINING PROGRAMS.—*

5           (1) *IN GENERAL.—The Administrator shall ini-*  
6     *tiate a rulemaking to require part 121 air carriers to*  
7     *establish remedial training programs for flightcrew*  
8     *members who have demonstrated performance defi-*  
9     *ciencies or experienced failures in the training envi-*  
10    *ronment.*

11          (2) *DEADLINES.—The Administrator shall—*

12                (A) *not later than 180 days after the date*  
13                *of enactment of this Act, issue a notice of pro-*  
14                *posed rulemaking under paragraph (1); and*

15                (B) *not later than 24 months after the date*  
16                *of enactment of this Act, issue a final rule for the*  
17                *rulemaking.*

18     (e) *STICK PUSHER TRAINING AND WEATHER EVENT*  
19     *TRAINING.—*

20           (1) *MULTIDISCIPLINARY PANEL.—Not later than*  
21     *120 days after the date of enactment of this Act, the*  
22     *Administrator shall convene a multidisciplinary*  
23     *panel of specialists in aircraft operations, flightcrew*  
24     *member training, human factors, and aviation safety*  
25     *to study and submit to the Administrator a report on*

1 *methods to increase the familiarity of flightcrew mem-*  
 2 *bers with, and improve the response of flightcrew*  
 3 *members to, stick pusher systems, icing conditions,*  
 4 *and microburst and windshear weather events.*

5 (2) *REPORT TO CONGRESS.*—*Not later than one*  
 6 *year after the date on which the Administrator con-*  
 7 *venes the panel, the Administrator shall—*

8 (A) *submit a report to the Committee on*  
 9 *Transportation and Infrastructure of the House*  
 10 *of Representatives and the Committee on Com-*  
 11 *merce, Science, and Transportation based on the*  
 12 *findings of the panel; and*

13 (B) *with respect to stick pusher systems,*  
 14 *initiate appropriate actions to implement the*  
 15 *recommendations of the panel.*

16 **SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFES-**  
 17 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

18 (a) *AVIATION RULEMAKING COMMITTEE.*—

19 (1) *IN GENERAL.*—*The Administrator of the Fed-*  
 20 *eral Aviation Administration shall conduct an avia-*  
 21 *tion rulemaking committee proceeding with stake-*  
 22 *holders to develop procedures for each part 121 air*  
 23 *carrier to take the following actions:*

24 (A) *Establish flightcrew member mentoring*  
 25 *programs under which the air carrier will pair*



1        *highly experienced flightcrew members who will*  
2        *serve as mentor pilots and be paired with newly*  
3        *employed flightcrew members. Mentor pilots*  
4        *should be provided, at a minimum, specific in-*  
5        *struction on techniques for instilling and rein-*  
6        *forcing the highest standards of technical per-*  
7        *formance, airmanship, and professionalism in*  
8        *newly employed flightcrew members.*

9                *(B) Establish flightcrew member profes-*  
10        *sional development committees made up of air*  
11        *carrier management and labor union or profes-*  
12        *sional association representatives to develop, ad-*  
13        *minister, and oversee formal mentoring pro-*  
14        *grams of the carrier to assist flightcrew members*  
15        *to reach their maximum potential as safe, sea-*  
16        *soned, and proficient flightcrew members.*

17                *(C) Establish or modify training programs*  
18        *to accommodate substantially different levels and*  
19        *types of flight experience by newly employed*  
20        *flightcrew members.*

21                *(D) Establish or modify training programs*  
22        *for second-in-command flightcrew members at-*  
23        *tempting to qualify as pilot-in-command*  
24        *flightcrew members for the first time in a spe-*  
25        *cific aircraft type and ensure that such pro-*

grams include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rule-making committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rule-making required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

1                   (i) review the programs of such part  
 2                   121 air carriers to determine whether the  
 3                   programs meet the requirements set forth in  
 4                   the final rule referred to in subsection  
 5                   (b)(2); and

6                   (ii) expedite the approval of the pro-  
 7                   grams that the Administrator determines  
 8                   meet such requirements.

9           (b) *DEADLINES.*—The Administrator shall issue—

10                   (1) not later than 180 days after the date of en-  
 11                   actment of this Act, a notice of proposed rulemaking  
 12                   under subsection (a); and

13                   (2) not later than 24 months after such date of  
 14                   enactment, a final rule under subsection (a).

15 **SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALI-**  
 16 **FICATIONS.**

17           (a) *REQUIREMENTS.*—The Administrator of the Fed-  
 18           eral Aviation Administration shall conduct a rulemaking  
 19           proceeding to require part 121 air carriers to develop and  
 20           implement means and methods for ensuring that flightcrew  
 21           members have proper qualifications and experience.

22           (b) *MINIMUM EXPERIENCE REQUIREMENT.*—

23                   (1) *IN GENERAL.*—The final rule prescribed  
 24                   under subsection (a) shall, among any other require-  
 25                   ments established by the rule, require that a pilot—

1           (A) have not less than 800 hours of flight  
2           time before serving as a flightcrew member for a  
3           part 121 air carrier; and

4           (B) demonstrate the ability to—

5                 (i) function effectively in a multipilot  
6                 environment;

7                 (ii) function effectively in an air car-  
8                 rier operational environment;

9                 (iii) function effectively in adverse  
10                weather conditions, including icing condi-  
11                tions if the pilot is expected to be operating  
12                aircraft in icing conditions;

13                (iv) function effectively during high al-  
14                titude operations; and

15                (v) adhere to the highest professional  
16                standards.

17           (2) *HOURS OF FLIGHT EXPERIENCE IN DIF-*  
18           *FICULT OPERATIONAL CONDITIONS.*—The total num-  
19           ber of hours of flight experience required by the Ad-  
20           ministrator under paragraph (1) for pilots shall in-  
21           clude a number of hours of flight experience in dif-  
22           ficult operational conditions that may be encountered  
23           by an air carrier that the Administrator determines  
24           to be sufficient to enable a pilot to operate an aircraft  
25           safely in such conditions.

1       (c) *DEADLINES.*—*The Administrator shall issue—*

2               (1) *not later than 180 days after the date of en-*  
 3       *actment of this Act, a notice of proposed rulemaking*  
 4       *under subsection (a); and*

5               (2) *not later than December 31, 2011, a final*  
 6       *rule under subsection (a).*

7       (d) *DEFAULT REQUIREMENTS.*—*If the Administrator*  
 8       *fails to meet the deadline established by subsection (c))(2),*  
 9       *then all flightcrew members for part 121 air carriers shall*  
 10       *meet the requirements established by subpart G of part 61*  
 11       *of the Federal Aviation Administration’s regulations (14*  
 12       *C.F.R. 61.151 et seq.).*

13       (e) *DEFINITIONS.*—*In this section:*

14               (1)     *FLIGHTCREW MEMBER.*—*The term*  
 15       *“flightcrew member” has the meaning given that term*  
 16       *in section 1.1 of the Federal Aviation Administra-*  
 17       *tion’s regulations (14 C.F.R. 1.1)).*

18               (2)     *PART 121 AIR CARRIER.*—*The term “part*  
 19       *121 air carrier” has the meaning given that term by*  
 20       *section 41720(d)(1) of title 49, United States Code.*

21       **SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DE-**  
 22       **VICES ON FLIGHT DECK.**

23       (a) *IN GENERAL.*—*Chapter 447, as amended by sec-*  
 24       *tion 521 of this Act, is further amended by adding at the*  
 25       *end thereof the following:*

1   **“§ 44731. Use of certain devices on flight deck**

2           “(a) *IN GENERAL.*—It is unlawful for any member of  
3   the flight crew of an aircraft used to provide air transpor-  
4   tation under part 121 of title 14, Code of Federal Regula-  
5   tions, to use a personal wireless communications device or  
6   laptop computer while at the crew member’s duty station  
7   on the flight deck of such an aircraft while the aircraft is  
8   being operated.

9           “(b) *EXCEPTIONS.*—Subsection (a) shall not apply to  
10   the use of a personal wireless communications device or  
11   laptop computer for a purpose directly related to operation  
12   of the aircraft, or for emergency, safety-related, or employ-  
13   ment-related communications, in accordance with proce-  
14   dures established by the air carrier or the Federal Aviation  
15   Administration.

16          “(c) *ENFORCEMENT.*—In addition to the penalties pro-  
17   vided under section 46301 of this title applicable to any  
18   violation of this section, the Administrator of the Federal  
19   Aviation Administration may enforce compliance with this  
20   section under section 44709.

21          “(d) *PERSONAL WIRELESS COMMUNICATIONS DEVICE*  
22   *DEFINED.*—The term ‘personal wireless communications  
23   device’ means a device through which personal wireless serv-  
24   ices (as defined in section 332(c)(7)(C)(i) of the Commu-  
25   nications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are  
26   transmitted.”.

1       (b) *PENALTY.*—Section 44711(a) is amended—

2               (1) by striking “or” after the semicolon in para-  
3       graph (8);

4               (2) by striking “title.” in paragraph (9) and in-  
5       serting “title; or”; and

6               (3) by adding at the end the following:

7               “(10) violate section 44730 of this title or any  
8       regulation issued thereunder.”.

9       (c) *CONFORMING AMENDMENT.*—The table of contents  
10   for chapter 447 is amended by adding at the end thereof  
11   the following:

      “44731. Use of certain devices on flight deck”.

12       (d) *REGULATIONS.*—Within 30 days after the date of  
13   enactment of this Act, the Secretary of Transportation shall  
14   initiate a rulemaking procedure for regulations under sec-  
15   tion 44730 of title 49, United States Code, and shall issue  
16   a final rule thereunder within 1 year after the date of enact-  
17   ment of this Act.

18       (e) *STUDY.*—

19               (1) *IN GENERAL.*—The Administrator of the Fed-  
20   eral Aviation Administration shall review relevant  
21   air carrier data and carry out a study—

22               (A) to identify common sources of distrac-  
23   tion for the cockpit flight crew on commercial  
24   aircraft; and

1                   (B) to determine the safety impacts of such  
2                   distractions.

3                   (2) *REPORT.*—Not later than 6 months after the  
4                   date of the enactment of this Act, the Administrator  
5                   shall submit a report to the Committee on Commerce,  
6                   Science, and Transportation of the Senate and the  
7                   Committee on Transportation and Infrastructure of  
8                   the House of Representatives that contains—

9                   (A) the findings of the study conducted  
10                  under paragraph (1); and

11                  (B) recommendations about ways to reduce  
12                  distractions for cockpit flight crews.

13 **SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
14 **RIERS.**

15                The Administrator shall, not less frequently than once  
16 each year, perform random, unannounced, on-site inspec-  
17 tions of air carriers that provide air transportation pursu-  
18 ant to a contract with a part 121 air carrier to ensure  
19 that such air carriers are complying with all applicable  
20 safety standards of the Administration.

21 **SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH**  
22 **RESPECT TO THE TRAINING, HIRING, AND OP-**  
23 **ERATION OF AIRCRAFT BY PILOTS.**

24                (a) *IN GENERAL.*—Not later than 180 days after the  
25 date of enactment of this Act, the Administrator shall issue



1 *a final rule with respect to the Notice of Proposed Rule-*  
2 *making published in the Federal Register on January 12,*  
3 *2009 (74 Fed. Reg. 1280), relating to training programs*  
4 *for flight crew members and aircraft dispatchers.*

5 (b) *EXPERT PANEL TO REVIEW PART 121 AND PART*  
6 *135 TRAINING HOURS.—*

7 (1) *ESTABLISHMENT.—Not later than 60 days*  
8 *after the date of enactment of this Act, the Adminis-*  
9 *trator shall convene a multidisciplinary expert panel*  
10 *comprised of, at a minimum, air carrier representa-*  
11 *tives, training facility representatives, instructional*  
12 *design experts, aircraft manufacturers, safety organi-*  
13 *zation representatives, and labor union representa-*  
14 *tives.*

15 (2) *ASSESSMENT AND RECOMMENDATIONS.—The*  
16 *panel shall assess and make recommendations con-*  
17 *cerning—*

18 (A) *the best methods and optimal time need-*  
19 *ed for flightcrew members of part 121 air car-*  
20 *riers and flightcrew members of part 135 air*  
21 *carriers to master aircraft systems, maneuvers,*  
22 *procedures, take offs and landings, and crew co-*  
23 *ordination;*

1           (B) the optimal length of time between  
2           training events for such crewmembers, including  
3           recurrent training events;

4           (C) the best methods to reliably evaluate  
5           mastery by such crewmembers of aircraft sys-  
6           tems, maneuvers, procedures, take offs and land-  
7           ings, and crew coordination; and

8           (D) the best methods to allow specific aca-  
9           demic training courses to be credited pursuant to  
10          section 11(d) toward the total flight hours re-  
11          quired to receive an airline transport pilot cer-  
12          tificate.

13          (3) *REPORT.*—Not later than one year after the  
14          date of enactment of this Act, the Administrator shall  
15          submit a report to the House of Representatives Com-  
16          mittee on Transportation and Infrastructure and the  
17          Senate Committee on Commerce, Science, and Trans-  
18          portation based on the findings of the panel.

19   **SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

20          (a) *IN GENERAL.*—Not later than 1 year after the date  
21          of the enactment of this Act, the Administrator shall submit  
22          to Congress a plan for overseeing pilot schools certified  
23          under part 141 of title 14, Code of Federal Regulations,  
24          that includes—

1           (1) *ensuring that the curriculum and course out-*  
 2           *line requirements for such schools under subpart C of*  
 3           *such part are being met; and*

4           (2) *conducting on-site inspections of each such*  
 5           *school not less frequently than once every 2 years.*

6           (b) *GAO STUDY.—The Comptroller General shall con-*  
 7           *duct a comprehensive study of flight schools, flight edu-*  
 8           *cation, and academic training requirements for certifi-*  
 9           *cation of an individual as a pilot.*

10          (c) *REPORT.—Not later than 180 days after the date*  
 11          *of enactment of this Act, the Comptroller General shall sub-*  
 12          *mit a report to the House of Representatives Committee on*  
 13          *Transportation and Infrastructure and the Senate Com-*  
 14          *mittee on Commerce, Science, and Transportation on the*  
 15          *results of the study.*

16       **SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS**  
 17                               **AND GATE AGENTS.**

18          (a) *IN GENERAL.—Chapter 447, as amended by sec-*  
 19          *tion 558 of this Act, is further amended by adding at the*  
 20          *end the following:*

21       **“§44732. Training of flight attendants and gate**  
 22                               **agents**

23          “(a) *TRAINING REQUIRED.—In addition to other*  
 24          *training required under this chapter, each air carrier shall*  
 25          *provide initial and annual recurring training for flight at-*

1 *tendants and gate agents employed or contracted by such*  
2 *air carrier regarding—*

3           “(1) *serving alcohol to passengers;*

4           “(2) *recognizing intoxicated passengers; and*

5           “(3) *dealing with disruptive passengers.*

6           “(b) *SITUATIONAL TRAINING.—In carrying out the*  
7 *training required under subsection (a), each air carrier*  
8 *shall provide situational training to flight attendants and*  
9 *gate agents on the proper method for dealing with intoxi-*  
10 *cated passengers who act in a belligerent manner.*

11           “(c) *DEFINITIONS.—In this section:*

12           “(1) *AIR CARRIER.—The term ‘air carrier’*  
13 *means a person or commercial enterprise that has*  
14 *been issued an air carrier operating certificate under*  
15 *section 44705.*

16           “(2) *FLIGHT ATTENDANT.—The term ‘flight at-*  
17 *tendant’ has the meaning given the term in section*  
18 *44728(f).*

19           “(3) *GATE AGENT.—The term ‘gate agent’ means*  
20 *an individual working at an airport whose respon-*  
21 *sibilities include facilitating passenger access to com-*  
22 *mercial aircraft.*

23           “(4) *PASSENGER.—The term ‘passenger’ means*  
24 *an individual traveling on a commercial aircraft,*  
25 *from the time at which the individual arrives at the*

1       airport from which such aircraft departs until the  
2       time the individual leaves the airport to which such  
3       aircraft arrives.”.

4       (b) *CLERICAL AMENDMENT.*—The table of contents for  
5 chapter 447 is amended by adding at the end the following:  
“44732. Training of flight attendants and gate agents”.

6       (c) *RULEMAKING.*—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary of Transpor-  
8 tation shall issue regulations to carry out section 44730 of  
9 title 49, United States Code, as added by subsection (a).

10 **SEC. 563. DEFINITIONS.**

11       In this subtitle:

12           (1) *AVIATION SAFETY ACTION PROGRAM.*—The  
13 term “Aviation Safety Action Program” means the  
14 program described under Federal Aviation Adminis-  
15 tration Advisory Circular No. 120–66B that permits  
16 employees of participating air carriers and repair  
17 station certificate holders to identify and report safety  
18 issues to management and to the Administration for  
19 resolution.

20           (2) *ADMINISTRATOR.*—The term “Adminis-  
21 trator” means the Administrator.

22           (3) *AIR CARRIER.*—The term “air carrier” has  
23 the meaning given that term by section 40102(2) of  
24 title 49, United States Code.

1           (4) *FAA*.—The term “*FAA*” means the Federal  
2   *Aviation Administration*.

3           (5) *FLIGHT OPERATIONAL QUALITY ASSURANCE*  
4   *PROGRAM*.—The term “*Flight Operational Quality*  
5   *Assurance Program*” means the voluntary safety pro-  
6   *gram authorized under section 13.401 of title 14,*  
7   *Code of Federal Regulations, that permits commercial*  
8   *air carriers and pilots to share confidential aggregate*  
9   *information with the Administration to permit the*  
10   *Administration to target resources to address oper-*  
11   *ational risk issues.*

12          (6) *LINE OPERATIONS SAFETY AUDIT PRO-*  
13   *GRAM*.—The term “*Line Operations Safety Audit*  
14   *Program*” has the meaning given that term by *Fed-*  
15   *eral Aviation Administration Advisory Circular*  
16   *Number 120–90.*

17          (7) *PART 121 AIR CARRIER*.—The term “*part*  
18   *121 air carrier*” has the meaning given that term by  
19   *section 41719(d)(1) of title 49, United States Code.*

20   **SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.**

21          (a) *IN GENERAL*.—Not later than 1 year after the date  
22   *of the enactment of this Act, the Administrator of the Fed-*  
23   *eral Aviation Administration shall initiate a study of air*  
24   *quality in aircraft cabins to—*

1           (1) *assess bleed air quality on the full range of*  
2           *commercial aircraft operating in the United States;*

3           (2) *identify oil-based contaminants, hydraulic*  
4           *fluid toxins, and other air toxins that appear in*  
5           *cabin air and measure the quantity and prevalence,*  
6           *or absence of those toxins through a comprehensive*  
7           *sampling program;*

8           (3) *determine the specific amount and duration*  
9           *of toxic fumes present in aircraft cabins that con-*  
10          *stitutes a health risk to passengers;*

11          (4) *develop a systematic reporting standard for*  
12          *smoke and fume events in aircraft cabins;*

13          (5) *identify the potential health risks to individ-*  
14          *uals exposed to toxic fumes during flight; and*

15          (6) *determine the extent to which the installation*  
16          *of sensors and air filters on commercial aircraft*  
17          *would provide a public health benefit.*

18          (b) *AUTHORITY TO MONITOR AIR IN AIRCRAFT CAB-*  
19          *INS.—For purposes of conducting the study required by sub-*  
20          *section (a), the Administrator of the Federal Aviation Ad-*  
21          *ministration shall require domestic air carriers to allow air*  
22          *quality monitoring on their aircraft in a manner that im-*  
23          *poses no significant costs on the air carrier and does not*  
24          *interfere with the normal operation of the aircraft.*

# 1 **TITLE VI—AVIATION RESEARCH**

## 2 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

3 (a) *IN GENERAL.*—Section 44511(f) is amended—

4 (1) by striking “establish a 4-year pilot” in  
5 paragraph (1) and inserting “maintain an”; and

6 (2) by inserting “pilot” in paragraph (4) before  
7 “program” the first time it appears; and

8 (3) by striking “program, including rec-  
9 ommendations as to the need for establishing a per-  
10 manent airport cooperative research program.” in  
11 paragraph (4) and inserting “program.”.

12 (b) *AIRPORT COOPERATIVE RESEARCH PROGRAM.*—

13 Not more than \$15,000,000 per year for fiscal years 2010  
14 and 2011 may be appropriated to the Secretary of Trans-  
15 portation from the amounts made available each year under  
16 subsection (a) for the Airport Cooperative Research Pro-  
17 gram under section 44511 of this title, of which not less  
18 than \$5,000,000 per year shall be for research activities re-  
19 lated to the airport environment, including reduction of  
20 community exposure to civil aircraft noise, reduction of  
21 civil aviation emissions, or addressing water quality issues.

## 22 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**

### 23 **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

24 (a) *ESTABLISHMENT OF RESEARCH PROGRAM.*—From  
25 amounts made available under section 48102(a) of title 49,



1 *United States Code, the Administrator of the Federal Avia-*  
2 *tion Administration shall establish a research program re-*  
3 *lated to reducing civilian aircraft energy use, emissions,*  
4 *and source noise with equivalent safety through grants or*  
5 *other measures, which may include cost-sharing, authorized*  
6 *under section 106(l)(6) of such title, including reimbursable*  
7 *agreements with other Federal agencies.*

8 *(b) ESTABLISHMENT OF CONSORTIUM.—*

9 *(1) DESIGNATION AS CONSORTIUM.—Not later*  
10 *than 180 days after the date of the enactment of this*  
11 *Act, the Administrator shall designate, using a com-*  
12 *petitive process, one or more institutions or entities*  
13 *described in paragraph (2) as a Consortium for Con-*  
14 *tinuous Low Energy, Emissions, and Noise (CLEEN)*  
15 *to perform research in accordance with this section.*

16 *(2) PARTICIPATION.—The Administrator shall*  
17 *include educational and research institutions or pri-*  
18 *vate sector entities that have existing facilities and*  
19 *experience for developing and testing noise, emissions*  
20 *and energy reduction engine and aircraft technology,*  
21 *and developing alternative fuels in the research pro-*  
22 *gram required by subsection (a).*

23 *(3) COORDINATION MECHANISMS.—In conducting*  
24 *the research program, the Consortium designated*  
25 *under paragraph (1) shall—*

1           (A) coordinate its activities with the De-  
2           partment of Agriculture, the Department of En-  
3           ergy, the National Aeronautics and space Ad-  
4           ministration, and other relevant Federal agen-  
5           cies; and

6           (B) consult on a regular basis with the  
7           Commercial Aviation Alternative Fuels Initia-  
8           tive.

9           (c) *PERFORMANCE OBJECTIVES.*—Not later than Jan-  
10          uary 1, 2016, the research program shall accomplish the  
11          following objectives:

12           (1) *Certifiable aircraft technology that reduces*  
13          *fuel burn 33 percent compared to current technology,*  
14          *reducing energy consumption and carbon dioxide*  
15          *emissions.*

16           (2) *Certifiable engine technology that reduces*  
17          *landing and takeoff cycle nitrogen oxide emissions by*  
18          *60 percent, at a pressure ratio of 30 over the Inter-*  
19          *national Civil Aviation Organization standard*  
20          *adopted at the 6th Meeting of the Committee on Avia-*  
21          *tion Environmental Protection, with commensurate*  
22          *reductions over the full pressure ratio range, while*  
23          *limiting or reducing other gaseous or particle emis-*  
24          *sions.*

1           (3) *Certifiable aircraft technology that reduces*  
 2           *noise levels by 32 Effective Perceived Noise in decibels*  
 3           *(EPNdb) cumulative, relative to Stage 4 standards.*

4           (4) *Advance qualification and environmental as-*  
 5           *urance of alternative aviation fuels to support a goal*  
 6           *of having 20 percent of the jet fuel available for pur-*  
 7           *chase by United States commercial airlines and cargo*  
 8           *carriers be alternative fuels.*

9           (5) *Determination of the extent to which new en-*  
 10          *gine and aircraft technologies may be used to retrofit*  
 11          *or re-engine aircraft so as to increase the level of pen-*  
 12          *etration into the commercial fleet.*

13 **SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECH-**  
 14 **NOLOGY FOR CIVILIAN AIRCRAFT.**

15          (a) *IN GENERAL.*—*From amounts made available*  
 16          *under section 48102(a) of title 49, United States Code, the*  
 17          *Secretary of Transportation shall establish a research pro-*  
 18          *gram related to developing jet fuel from natural gas, bio-*  
 19          *mass and other renewable sources through grants or other*  
 20          *measures authorized under section 106(l)(6) of such title,*  
 21          *including reimbursable agreements with other Federal agen-*  
 22          *cies.*

23          (b) *PARTICIPATION IN PROGRAM.*—*The Secretary*  
 24          *shall—*

1           (1) *include educational and research institutions*  
 2           *that have existing facilities and experience in the re-*  
 3           *search, small-scale development, testing, or evaluation*  
 4           *of technologies related to the creation, processing, and*  
 5           *production of a variety of feedstocks into aviation fuel*  
 6           *under the program required by subsection (a); and*

7           (2) *consider utilizing the existing capacity in*  
 8           *Aeronautics research at Langley Research Center of*  
 9           *the National Aeronautics and Space Administration*  
 10          *to carry out the program required by subsection (a).*

11          (c) *DESIGNATION OF INSTITUTION AS A CENTER OF*  
 12          *EXCELLENCE.—Not later than 180 days after the date of*  
 13          *the enactment of this Act, the Administrator of the Federal*  
 14          *Aviation Administration shall designate an institution de-*  
 15          *scribed in subsection (b) as a Center of Excellence for Alter-*  
 16          *native Jet-Fuel Research in Civil Aircraft. The Center of*  
 17          *Excellence shall be a member of the CLEEN Consortium*  
 18          *established under section 602(b), and shall be part of a*  
 19          *Joint Center of Excellence with the Partnership for Air*  
 20          *Transportation Noise and Emission Reduction FAA Center*  
 21          *of Excellence.*

22          **SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECH-**  
 23                               **NOLOGY FOR CIVILIAN AIRCRAFT.**

24          (a) *ESTABLISHMENT OF RESEARCH PROGRAM.—From*  
 25          *amounts made available under section 48102(a) of title 49,*

1 *United States Code, the Secretary of Transportation shall*  
2 *establish a research program related to developing jet fuel*  
3 *from clean coal through grants or other measures authorized*  
4 *under section 106(l)(6) of such title, including reimbursable*  
5 *agreements with other Federal agencies. The program shall*  
6 *include participation by educational and research institu-*  
7 *tions that have existing facilities and experience in the de-*  
8 *velopment and deployment of technology that processes coal*  
9 *to aviation fuel.*

10 *(b) DESIGNATION OF INSTITUTION AS A CENTER OF*  
11 *EXCELLENCE.—Within 6 months after the date of enact-*  
12 *ment of this Act, the Administrator of the Federal Aviation*  
13 *Administration shall designate an institution described in*  
14 *subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel*  
15 *Research.*

16 **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
17 **PAVEMENTS.**

18 *(a) CONTINUATION OF PROGRAM.—The Administrator*  
19 *of the Federal Aviation Administration shall continue the*  
20 *program to consider awards to nonprofit concrete and as-*  
21 *phalt pavement research foundations to improve the design,*  
22 *construction, rehabilitation, and repair of airfield pave-*  
23 *ments to aid in the development of safer, more cost effective,*  
24 *and more durable airfield pavements.*

1       (b) *USE OF GRANTS OR COOPERATIVE AGREE-*  
2 *MENTS.—The Administrator may use grants or cooperative*  
3 *agreements in carrying out this section.*

4 **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
5 **ER RESEARCH.**

6       *Within 60 days after the date of enactment of this Act,*  
7 *the Administrator of the Federal Aviation Administration*  
8 *shall—*

9           (1) *initiate evaluation of proposals that would*  
10 *increase capacity throughout the air transportation*  
11 *system by reducing existing spacing requirements be-*  
12 *tween aircraft of all sizes, including research on the*  
13 *nature of wake vortices;*

14           (2) *begin implementation of a system to improve*  
15 *volcanic ash avoidance options for aircraft, including*  
16 *the development of a volcanic ash warning and notifi-*  
17 *cation system for aviation; and*

18           (3) *establish research projects on—*

19                   (A) *ground de-icing/anti-icing, ice pellets,*  
20 *and freezing drizzle;*

21                   (B) *oceanic weather, including convective*  
22 *weather;*

23                   (C) *en route turbulence prediction and de-*  
24 *tection; and*

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

**SEC. 607. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.**

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(7);

(C) by striking “emitted.” in subsection (b)(8) and inserting “emitted; and”; and

(D) by adding at the end of subsection (b) the following:

“(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.”.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

1           (A) by striking “and” after the semicolon in  
2           paragraph (4);

3           (B) by striking “programs.” in paragraph  
4           (5)(C) and inserting “programs; and”; and

5           (C) by adding at the end thereof the fol-  
6           lowing:

7           “(6) to develop a better understanding of the re-  
8           lationship between human factors and unmanned air-  
9           craft systems air safety; and

10          “(7) to develop dynamic simulation models of in-  
11          tegrating all classes of unmanned aircraft systems  
12          into the National Airspace System.”.

13          (b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

14           (1) IN GENERAL.—Within 3 months after the  
15           date of enactment of this Act, the Administrator of the  
16           Federal Aviation Administration shall enter into an  
17           arrangement with the National Academy of Sciences  
18           for an assessment of unmanned aircraft systems that  
19           may include consideration of—

20           (A) human factors regarding unmanned  
21           aircraft systems operation;

22           (B) “detect, sense and avoid technologies”  
23           with respect to both cooperative and non-cooper-  
24           ative aircraft;



1           (C) spectrum issues and bandwidth require-  
2           ments;

3           (D) operation in suboptimal winds and ad-  
4           verse weather conditions;

5           (E) mechanisms such as the use of tran-  
6           sponders for letting other entities know where the  
7           unmanned aircraft system is flying;

8           (F) airworthiness and system redundancy;

9           (G) flight termination systems for safety  
10          and security;

11          (H) privacy issues;

12          (I) technologies for unmanned aircraft sys-  
13          tems flight control;

14          (J) technologies for unmanned aircraft sys-  
15          tems propulsion;

16          (K) unmanned aircraft systems operator  
17          qualifications, medical standards, and training  
18          requirements;

19          (L) unmanned aircraft systems mainte-  
20          nance requirements and training requirements;  
21          and

22          (M) any other unmanned aircraft systems-  
23          related issue the Administrator believes should be  
24          addressed.

1           (2) *REPORT*.—Within 12 months after initiating  
2     the study, the National Academy shall submit its re-  
3     port to the Administrator, the Senate Committee on  
4     Commerce, Science, and Transportation, and the  
5     House of Representatives Committee on Transpor-  
6     tation and Infrastructure containing its findings and  
7     recommendations.

8     (c) *PILOT PROJECTS*.—

9           (1) *IN GENERAL*.—Not later than 6 months after  
10    the date of enactment of this Act, the Administrator  
11    of the Federal Aviation Administration shall establish  
12    3 2-year cost-shared pilot projects in sparsely popu-  
13    lated, low-density Class G air traffic airspace new  
14    test sites to conduct experiments and collect data in  
15    order to accelerate the safe integration of unmanned  
16    aircraft systems into the National Airspace System as  
17    follows:

18           (A) 1 project shall address operational  
19    issues required for integration of Category 1 un-  
20    manned aircraft systems defined as analogous to  
21    RC models covered in the FAA Advisory Cir-  
22    cular AC 91–57.

23           (B) 1 project shall address operational  
24    issues required for integration of Category 2 un-  
25    manned aircraft systems defined as non-stand-

1        *ard aircraft that perform special purpose oper-*  
2        *ations. Operators must provide evidence of air-*  
3        *worthiness and operator qualifications.*

4            *(C) 1 project shall address operational*  
5        *issues required for integration of Category 3 un-*  
6        *manned aircraft systems defined as capable of*  
7        *flying throughout all categories of airspace and*  
8        *conforming to part 91 of title 14, Code of Fed-*  
9        *eral Regulations.*

10          *(D) All 3 pilot projects shall be operational*  
11        *no later than 6 months after being established.*

12          *(2) USE OF CONSORTIA.—In conducting the pilot*  
13        *projects, the Administrator shall encourage the forma-*  
14        *tion of participating consortia from the public and*  
15        *private sectors, educational institutions, and non-*  
16        *profit organization.*

17          *(3) REPORT.—Within 90 days after completing*  
18        *the pilot projects, the Administrator shall transmit a*  
19        *report to the Senate Committee on Commerce,*  
20        *Science, and Transportation and the House of Rep-*  
21        *resentatives Committee on Transportation and Infra-*  
22        *structure setting forth the Administrator's findings*  
23        *and conclusions concerning the projects.*

24          *(4) AUTHORIZATION OF APPROPRIATIONS.—*  
25        *There are authorized to be appropriated to the Ad-*

1        *ministrator for fiscal years 2010 and 2011 such sums*  
2        *as may be necessary to conduct the pilot projects.*

3        *(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—With-*  
4        *in 30 days after the date of enactment of this Act, the Ad-*  
5        *ministrator of the Federal Aviation Administration shall*  
6        *approve and make available in print and on the Adminis-*  
7        *tration’s website a 5-year “roadmap” for the introduction*  
8        *of unmanned aircraft systems into the National Airspace*  
9        *System being coordinated by its Unmanned Aircraft Pro-*  
10       *gram Office. The Administrator shall update the “road-*  
11       *map” annually.*

12       *(e) UPDATED POLICY STATEMENT.—Not later than 90*  
13       *days after the date of enactment of this Act, the Adminis-*  
14       *trator shall issue a notice of proposed rulemaking to update*  
15       *the Administration’s most recent policy statement on un-*  
16       *manned aircraft systems, Docket No. FAA–2006–25714.*

17       *(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—*  
18       *Within 6 months after the date of enactment of this Act,*  
19       *the Administrator, in consultation with the National Oce-*  
20       *anic and Atmospheric Administration, the Coast Guard,*  
21       *and other Federal agencies as appropriate, shall identify*  
22       *permanent areas in the Arctic where small unmanned air-*  
23       *craft may operate 24 hours per day from 2000 feet to the*  
24       *surface and beyond line-of-sight for research and commer-*  
25       *cial purposes. Within 12 months after the date of enactment*

1 *of this Act, the Administrator shall have established and*  
2 *implemented a single process for approving unmanned air-*  
3 *craft use in the designated arctic regions regardless of*  
4 *whether the unmanned aircraft is used as a public aircraft,*  
5 *a civil aircraft, or as a model aircraft.*

6 *(g) SPECIAL RULE FOR MODEL AIRCRAFT.—*

7 *(1) IN GENERAL.—Notwithstanding any other*  
8 *provision of law relating to the incorporation of un-*  
9 *manned aircraft systems into FAA plans and poli-*  
10 *cies,, including this section, the Administrator shall*  
11 *not promulgate any rules or regulations regarding*  
12 *model aircraft or aircraft being developed as model*  
13 *aircraft if such aircraft is—*

14 *(A) flown strictly for recreational, sport,*  
15 *competition, or academic purposes;*

16 *(B) operated in accordance with a commu-*  
17 *nity-based set of safety guidelines and within the*  
18 *programming of a nationwide community-based*  
19 *organization; and*

20 *(C) limited to not more than 55 pounds un-*  
21 *less otherwise certified through a design, con-*  
22 *struction, inspection, flight test, and operational*  
23 *safety program currently administered by a com-*  
24 *munity-based organization.*

1           (2) *MODEL AIRCRAFT DEFINED.*—For purposes  
 2           of this subsection, the term “model aircraft” means a  
 3           nonhuman-carrying (unmanned) radio-controlled air-  
 4           craft capable of sustained flight in the atmosphere,  
 5           navigating the airspace and flown within visual line-  
 6           of-sight of the operator for the exclusive and intended  
 7           use for sport, recreation, competition, or academic  
 8           purposes.

9           (h) *DEFINITIONS.*—In this section:

10           (1) *ARCTIC.*—The term “Arctic” means the  
 11           United States zone of the Chukchi, Beaufort, and Ber-  
 12           ing Sea north of the Aleutian chain.

13           (2) *PERMANENT AREAS.*—The term “permanent  
 14           areas” means areas on land or water that provide for  
 15           terrestrial launch and recovery of small unmanned  
 16           aircraft.

17 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
 18 **IN APPLIED RESEARCH AND TRAINING IN**  
 19 **THE USE OF ADVANCED MATERIALS IN**  
 20 **TRANSPORT AIRCRAFT.**

21           Section 708(b) of the Vision 100—Century of Aviation  
 22           Reauthorization Act (49 U.S.C. 44504 note) is amended by  
 23           striking “\$500,000 for fiscal year 2004” and inserting  
 24           “\$1,000,000 for each of fiscal years 2008 through 2012”.

1 **SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
 2 **VEHICLES.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 471 is  
 4 amended by inserting after section 47136 the following:

5 **“§47136A. Zero emission airport vehicles and infra-**  
 6 **structure**

7 “(a) *IN GENERAL.*—The Secretary of Transportation  
 8 shall establish a pilot program under which the sponsor of  
 9 a public-use airport may use funds made available under  
 10 section 47117 or section 48103 for use at such airports or  
 11 passenger facility revenue (as defined in section  
 12 40117(a)(6)) to carry out activities associated with the ac-  
 13 quisition and operation of zero emission vehicles (as defined  
 14 in section 88.120–94 of title 40, Code of Federal Regula-  
 15 tions), including the construction or modification of infra-  
 16 structure to facilitate the delivery of fuel and services nec-  
 17 essary for the use of such vehicles. Any use of funds author-  
 18 ized by the preceding sentence shall be considered to be an  
 19 authorized use of funds under section 47117 or section  
 20 48103, or an authorized use of passenger facility revenue  
 21 (as defined in section 40117(a)(6)), as the case may be.

22 “(b) *LOCATION IN AIR QUALITY NONATTAINMENT*  
 23 *AREAS.*—

24 “(1) *IN GENERAL.*—A public-use airport shall be  
 25 eligible for participation in the pilot program only if  
 26 the airport is located in an air quality nonattain-

1        *ment area (as defined in section 171(2) of the Clean*  
2        *Air Act (42 U.S.C. 7501(2))).*

3                “(2) *SHORTAGE OF CANDIDATES.*—*If the Sec-*  
4        *retary receives an insufficient number of applications*  
5        *from public-use airports located in such areas, then*  
6        *the Secretary may consider applications from public-*  
7        *use airports that are not located in such areas.*

8                “(c) *SELECTION CRITERIA.*—*In selecting from among*  
9        *applicants for participation in the program, the Secretary*  
10        *shall give priority consideration to applicants that will*  
11        *achieve the greatest air quality benefits measured by the*  
12        *amount of emissions reduced per dollar of funds expended*  
13        *under the program.*

14               “(d) *FEDERAL SHARE.*—*Notwithstanding any other*  
15        *provision of this subchapter, the Federal share of the costs*  
16        *of a project carried out under the program shall be 50 per-*  
17        *cent.*

18               “(e) *TECHNICAL ASSISTANCE.*—

19               “(1) *IN GENERAL.*—*The sponsor of a public-use*  
20        *airport carrying out activities funded under the pro-*  
21        *gram may not use more than 10 percent of the*  
22        *amounts made available under the program in any*  
23        *fiscal year for technical assistance in carrying out*  
24        *such activities.*



1           “(2) *ELIGIBLE CONSORTIUM.*—To the maximum  
2           *extent practicable, participants in the program shall*  
3           *use an eligible consortium (as defined in section 5506*  
4           *of this title) in the region of the airport to receive*  
5           *technical assistance described in paragraph (1).*

6           “(f) *MATERIALS IDENTIFYING BEST PRACTICES.*—The  
7           *Secretary may develop and make available materials iden-*  
8           *tifying best practices for carrying out activities funded*  
9           *under the program based on projects carried out under sec-*  
10          *tion 47136 and other sources.”.*

11          “(b) *REPORT ON EFFECTIVENESS OF PROGRAM.*—Not  
12          *later than 18 months after the date of enactment of the FAA*  
13          *Air Transportation Modernization and Safety Improve-*  
14          *ment Act, the Secretary of Transportation shall transmit*  
15          *a report to the Senate Committee on Commerce, Science,*  
16          *and Transportation the House of Representatives Com-*  
17          *mittee on Transportation and Infrastructure containing—*

18                (1) *an evaluation of the effectiveness of the pilot*  
19                *program;*

20                (2) *an identification of all public-use airports*  
21                *that expressed an interest in participating in the pro-*  
22                *gram; and*

23                (3) *a description of the mechanisms used by the*  
24                *Secretary to ensure that the information and know-*  
25                *how gained by participants in the program is trans-*

1       ferred among the participants and to other interested  
2       parties, including other public-use airports.

3       (c) *CONFORMING AMENDMENT.*—The table of contents  
4       for chapter 471 is amended by inserting after the item relat-  
5       ing to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

6       **SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT**  
7       **POWER SOURCES.**

8       (a) *IN GENERAL.*—Subchapter I of chapter 471 is  
9       amended by inserting after section 47140 the following:

10      **“§47140A. Reduction of emissions from airport power**  
11      **sources**

12      “(a) *IN GENERAL.*—The Secretary of Transportation  
13      shall establish a program under which the sponsor of each  
14      airport eligible to receive grants under section 48103 is en-  
15      couraged to assess the airport’s energy requirements, includ-  
16      ing heating and cooling, base load, back-up power, and  
17      power for on-road airport vehicles and ground support  
18      equipment, in order to identify opportunities to reduce  
19      harmful emissions and increase energy efficiency at the air-  
20      port.

21      “(b) *GRANTS.*—The Secretary may make grants under  
22      section 48103 to assist airport sponsors that have completed  
23      the assessment described in subsection (a) to acquire or con-  
24      struct equipment, including hydrogen equipment and re-  
25      lated infrastructure, that will reduce harmful emissions and

1 *increase energy efficiency at the airport. To be eligible for*  
 2 *such a grant, the sponsor of such an airport shall submit*  
 3 *an application to the Secretary, at such time, in such man-*  
 4 *ner, and containing such information as the Secretary may*  
 5 *require.”.*

6 (b) *CONFORMING AMENDMENT.—The table of contents*  
 7 *for chapter 471 is amended by inserting after the item relat-*  
 8 *ing to section 47140 the following:*

*“47140A. Reduction of emissions from airport power sources”.*

9 **SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
 10 **AIDES AND OTHER ASSETS.**

11 (a) *SURVEY AND ASSESSMENT.—*

12 (1) *IN GENERAL.—In order to address safety and*  
 13 *operational concerns associated with the construction,*  
 14 *alteration, establishment, or expansion of wind farms*  
 15 *in proximity to critical FAA facilities, the Adminis-*  
 16 *trator shall, within 60 days after the date of enact-*  
 17 *ment of this Act, complete a survey and assessment of*  
 18 *leases for critical FAA facility sites, including—*

19 (A) *an inventory of the leases that describes,*  
 20 *for each such lease—*

21 (i) *the periodic cost, location, site,*  
 22 *terms, number of years remaining, and les-*  
 23 *sor;*

1                   (ii) other Administration facilities that  
2                   share the leasehold, including surveillance  
3                   and communications equipment; and

4                   (iii) the type of transmission services  
5                   supported, including the terms of service,  
6                   cost, and support contract obligations for  
7                   the services; and

8                   (B) a list of those leases for facilities located  
9                   in or near areas suitable for the construction  
10                  and operation of wind farms, as determined by  
11                  the Administrator in consultation with the Sec-  
12                  retary of Energy.

13               (2) *REPORT.*—Upon completion of the survey  
14               and assessment, the Administrator shall submit a re-  
15               port to the Senate Committee on Commerce, Science,  
16               and Transportation, the House of Representatives  
17               Committee on Transportation and Infrastructure,  
18               and the Comptroller General containing the Adminis-  
19               trator’s findings, conclusions, and recommendations.

20               (b) *GAO ASSESSMENT.*—

21               (1) *IN GENERAL.*—Within 180 days after receiv-  
22               ing the Administrator’s report under subsection  
23               (a)(2), the Comptroller General, in consultation with  
24               the Administrator, shall report on—

1           (A) *the current and potential impact of*  
2           *wind farms on the national airspace system;*

3           (B) *the extent to which the Department of*  
4           *Defense and the Federal Aviation Administra-*  
5           *tion have guidance, processes, and procedures in*  
6           *place to evaluate the impact of wind farms on*  
7           *the implementation of the Next Generation air*  
8           *traffic control system; and*

9           (C) *potential mitigation strategies, if nec-*  
10          *essary, to ensure that wind farms do not have an*  
11          *adverse impact on the implementation of the*  
12          *Next Generation air traffic control system, in-*  
13          *cluding the installation of navigational aides as-*  
14          *sociated with that system.*

15       (c) *ISSUANCE OF GUIDELINES; PUBLIC INFORMA-*  
16       *TION.—*

17           (1) *GUIDANCE.—Within 60 days after the Ad-*  
18           *ministrator receives the Comptroller's recommenda-*  
19           *tions, the Administrator shall publish guidelines for*  
20           *the construction and operation of wind farms to be lo-*  
21           *cated in proximity to critical Federal Aviation Ad-*  
22           *ministration facilities. The guidelines may include—*

23           (A) *the establishment of a zone system for*  
24           *wind farms based on proximity to critical FAA*  
25           *assets;*

1           (B) the establishment of turbine height and  
2           density limitations on such wind farms;

3           (C) requirements for notice to the Adminis-  
4           tration under section 44718(a) of title 49,  
5           United States Code, before the construction, al-  
6           teration, establishment, or expansion of a such a  
7           wind farm; and

8           (D) any other requirements or recommenda-  
9           tions designed to address Administration safety  
10          or operational concerns related to the construc-  
11          tion, alteration, establishment, or expansion of  
12          such wind farms.

13          (2) *PUBLIC ACCESS TO INFORMATION.*—To the  
14          extent feasible, taking into consideration security,  
15          operational, and public safety concerns (as deter-  
16          mined by the Administrator), the Administrator shall  
17          provide public access to information regarding the  
18          planning, construction, and operation of wind farms  
19          in proximity to critical FAA facilities on, or by link-  
20          age from, the homepage of the Federal Aviation Ad-  
21          ministration’s public website.

22          (d) *CONSULTATION WITH OTHER FEDERAL AGEN-*  
23          *CIES.*—In carrying out this section, the Administrator and  
24          the Comptroller General shall consult, as appropriate, with

1 *the Secretaries of the Army, the Navy, the Air Force, Home-*  
 2 *land Security, and Energy—*

3 *(1) to coordinate the requirements of each de-*  
 4 *partment for future air space needs;*

5 *(2) to determine what the acceptable risks are to*  
 6 *the existing infrastructure of each department; and*

7 *(3) to define the different levels of risk for such*  
 8 *infrastructure.*

9 *(e) REPORTS.—The Administrator and the Comp-*  
 10 *troller General shall provide a copy of reports under sub-*  
 11 *sections (a) and (b), respectively, to the Senate Committee*  
 12 *on Homeland Security and Governmental Affairs, the Sen-*  
 13 *ate Committee on Armed Services, the House of Representa-*  
 14 *tives Committee on Homeland Security, the House of Rep-*  
 15 *resentatives Committee on Armed Services, and the House*  
 16 *of Representatives Committee on Science and Technology,*  
 17 *as appropriate.*

18 *(f) DEFINITIONS.—In this section:*

19 *(1) ADMINISTRATION.—The term “Administra-*  
 20 *tion” means the Federal Aviation Administration.*

21 *(2) ADMINISTRATOR.—The term “Adminis-*  
 22 *trator” means the Administrator of the Federal Avia-*  
 23 *tion Administration.*

24 *(3) CRITICAL FAA FACILITIES.—The term “crit-*  
 25 *ical FAA facilities” means facilities on which are lo-*

1        *cated navigational aides, surveillance systems, or*  
 2        *communications systems used by the Administration*  
 3        *in administration of the national airspace system.*

4            (4) *WIND FARM.*—*The term “wind farm” means*  
 5        *an installation of 1 or more wind turbines used for*  
 6        *the generation of electricity.*

7        **SEC. 612. RESEARCH AND DEVELOPMENT FOR EQUIPMENT**  
 8                            **TO CLEAN AND MONITOR THE ENGINE AND**  
 9                            **APU BLEED AIR SUPPLIED ON PRESSURIZED**  
 10                           **AIRCRAFT.**

11        (a) *IN GENERAL.*—*Not later than 60 days after the*  
 12        *date of enactment of this Act, the Administrator of the Fed-*  
 13        *eral Aviation Administration shall, to the degree prac-*  
 14        *ticable, implement a research program for the identification*  
 15        *or development of appropriate and effective air cleaning*  
 16        *technology and sensor technology for the engine and auxil-*  
 17        *iary power unit (APU) bleed air supplied to the passenger*  
 18        *cabin and flight deck of all pressurized aircraft.*

19        (b) *TECHNOLOGY REQUIREMENTS.*—*The technology re-*  
 20        *ferred to in subsection (a) should, at a minimum, have the*  
 21        *capacity—*

22            (1) *to remove oil-based contaminants from the*  
 23        *bleed air supplied to the passenger cabin and flight*  
 24        *deck; and*



1           (2) *to detect and record oil-based contaminants*  
 2           *in the portion of the total air supplied to the pas-*  
 3           *senger cabin and flight deck from bleed air.*

4           (c) *REPORT.*—*Not later than 1 year after the date of*  
 5           *enactment of this Act, the Administrator shall submit to*  
 6           *the Committee on Commerce, Science, and Transportation*  
 7           *of the Senate and the Committee on Transportation and*  
 8           *Infrastructure of the House of Representatives a report on*  
 9           *the results of the research and development work carried*  
 10          *out under this section.*

11          (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 12          *authorized to be appropriated such sums as are necessary*  
 13          *to carry out this section.*

## 14          ***TITLE VII—MISCELLANEOUS***

### 15          ***SEC. 701. GENERAL AUTHORITY.***

16          (a) *THIRD PARTY LIABILITY.*—*Section 44303(b) is*  
 17          *amended by striking “December 31, 2009,” and inserting*  
 18          *“December 31, 2012,”.*

19          (b) *EXTENSION OF PROGRAM AUTHORITY.*—*Section*  
 20          *44310 is amended by striking “December 31, 2013.” and*  
 21          *inserting “October 1, 2017.”.*

22          (c) *WAR RISK.*—*Section 44302(f)(1) is amended—*

23                  (1) *by striking “September 30, 2009,” and in-*  
 24                  *serting “September 30, 2011,”; and*

1           (2) by striking “December 31, 2009,” and insert-  
2           ing “December 31, 2011,”.

3 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

4           Within 6 months after the date of enactment of this  
5 Act, the Administrator of the Federal Aviation Administra-  
6 tion shall develop a Human Intervention Management  
7 Study program for cabin crews employed by commercial  
8 air carriers in the United States.

9 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

10          The Administrator of the Federal Aviation Adminis-  
11 tration—

12           (1) shall establish a formal, structured certifi-  
13 cation training program for the airport concessions  
14 disadvantaged business enterprise program; and

15           (2) may appoint 3 additional staff to implement  
16 the programs of the airport concessions disadvantaged  
17 business enterprise initiative.

18 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

19          (a) MARSHALL ISLANDS, FEDERATED STATES OF MI-  
20 CRONESIA, AND PALAU.—Section 47115(j) is amended by  
21 striking “2009,” and inserting “2011,”.

22          (b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the  
23 Vision 100—Century of Aviation Reauthorization Act (117  
24 Stat. 2518) is amended by striking “2009,” and inserting  
25 “2011,”.

1 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

2 *Section 47107(s) is amended by striking paragraph*  
3 *(3).*

4 **SEC. 706. UPDATE ON OVERFLIGHTS.**

5 *(a) IN GENERAL.—Section 45301(b) is amended to*  
6 *read as follows:*

7 *“(b) LIMITATIONS.—*

8 *“(1) IN GENERAL.—In establishing fees under*  
9 *subsection (a), the Administrator shall ensure that the*  
10 *fees required by subsection (a) are reasonably related*  
11 *to the Administration’s costs, as determined by the*  
12 *Administrator, of providing the services rendered.*  
13 *Services for which costs may be recovered include the*  
14 *costs of air traffic control, navigation, weather serv-*  
15 *ices, training, and emergency services which are*  
16 *available to facilitate safe transportation over the*  
17 *United States, and other services provided by the Ad-*  
18 *ministrator or by programs financed by the Adminis-*  
19 *trator to flights that neither take off nor land in the*  
20 *United States. The determination of such costs by the*  
21 *Administrator is not subject to judicial review.*

22 *“(2) ADJUSTMENT OF FEES.—The Administrator*  
23 *shall adjust the overflight fees established by sub-*  
24 *section (a)(1) by expedited rulemaking and begin col-*  
25 *lections under the adjusted fees by October 1, 2010. In*  
26 *developing the adjusted overflight fees, the Adminis-*

1 *trator shall seek and consider the recommendations, if*  
2 *any, offered by the Aviation Rulemaking Committee*  
3 *for Overflight Fees that are intended to ensure that*  
4 *overflight fees are reasonably related to the Adminis-*  
5 *trator's costs of providing air traffic control and re-*  
6 *lated services to overflights. In addition, the Adminis-*  
7 *trator may periodically modify the fees established*  
8 *under this section either on the Administrator's own*  
9 *initiative or on a recommendation from the Air Traf-*  
10 *fic Control Modernization Board.*

11 *“(3) COST DATA.—The adjustment of overflight*  
12 *fees under paragraph (2) shall be based on the costs*  
13 *to the Administration of providing the air traffic con-*  
14 *trol and related activities, services, facilities, and*  
15 *equipment using the available data derived from the*  
16 *Administration's cost accounting system and cost al-*  
17 *location system to users, as well as budget and oper-*  
18 *ational data.*

19 *“(4) AIRCRAFT ALTITUDE.—Nothing in this sec-*  
20 *tion shall require the Administrator to take into ac-*  
21 *count aircraft altitude in establishing any fee for air-*  
22 *craft operations in en route or oceanic airspace.*

23 *“(5) COSTS DEFINED.—In this subsection, the*  
24 *term ‘costs’ means those costs associated with the op-*  
25 *eration, maintenance, debt service, and overhead ex-*

1        *penses of the services provided and the facilities and*  
 2        *equipment used in such services, including the pro-*  
 3        *jected costs for the period during which the services*  
 4        *will be provided.*

5            “(6) *PUBLICATION; COMMENT.—The Adminis-*  
 6        *trator shall publish in the Federal Register any fee*  
 7        *schedule under this section, including any adjusted*  
 8        *overflight fee schedule, and the associated collection*  
 9        *process as a proposed rule, pursuant to which public*  
 10       *comment will be sought and a final rule issued.”.*

11        (b) *ADMINISTRATIVE PROVISION.—Section 45303(c)(2)*  
 12       *is amended to read as follows:*

13            “(2) *shall be available to the Administrator for*  
 14        *expenditure for purposes authorized by Congress for*  
 15        *the Federal Aviation Administration, however, fees es-*  
 16        *tablished by section 45301(a)(1) of this title shall be*  
 17        *available only to pay the cost of activities and serv-*  
 18        *ices for which the fee is imposed, including the costs*  
 19        *to determine, assess, review, and collect the fee; and”.*

20        **SEC. 707. TECHNICAL CORRECTIONS.**

21        *Section 40122(g), as amended by section 307 of this*  
 22       *Act, is further amended—*

23            (1) *by striking “section 2302(b), relating to*  
 24        *whistleblower protection,” in paragraph (2)(A) and*  
 25        *inserting “sections 2301 and 2302,”;*

1           (2) by striking “and” after the semicolon in  
2     paragraph (2)(H);

3           (3) by striking “Plan.” in paragraph (2)(I)(iii)  
4     and inserting “Plan;”;

5           (4) by adding at the end of paragraph (2) the  
6     following:

7                     “(J) section 5596, relating to back pay; and

8                     “(K) sections 6381 through 6387, relating to  
9     Family and Medical Leave.”; and

10          (5) by adding at the end of paragraph (3) “Not-  
11     withstanding any other provision of law, retroactive  
12     to April 1, 1996, the Board shall have the same reme-  
13     dial authority over such employee appeals that it had  
14     as of March 31, 1996.”.

15     **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

16     (a) *STUDY.*—

17           (1) *IN GENERAL.*—The Comptroller General shall  
18     conduct a study of the training of airway transpor-  
19     tation systems specialists of the Federal Aviation Ad-  
20     ministration that includes—

21                     (A) an analysis of the type of training pro-  
22     vided to such specialists;

23                     (B) an analysis of the type of training that  
24     such specialists need to be proficient in the  
25     maintenance of the latest technologies;

1           (C) actions that the Administration has un-  
2           dertaken to ensure that such specialists receive  
3           up-to-date training on such technologies;

4           (D) the amount and cost of training pro-  
5           vided by vendors for such specialists;

6           (E) the amount and cost of training pro-  
7           vided by the Administration after developing in-  
8           house training courses for such specialists;

9           (F) the amount and cost of travel required  
10          of such specialists in receiving training; and

11          (G) a recommendation regarding the most  
12          cost-effective approach to providing such train-  
13          ing.

14          (2) *REPORT.*—Within 1 year after the date of  
15          enactment of this Act, the Comptroller General shall  
16          transmit a report on the study containing the Comp-  
17          troller General’s findings and recommendations to the  
18          Senate Committee on Commerce, Science, and Trans-  
19          portation and the House of Representatives Com-  
20          mittee on Transportation and Infrastructure.

21          (b) *STUDY BY NATIONAL ACADEMY OF SCIENCES.*—

22               (1) *IN GENERAL.*—Not later than 90 days after  
23          the date of enactment of this Act, the Administrator  
24          of the Federal Aviation Administration shall contract  
25          with the National Academy of Sciences to conduct a

1 study of the assumptions and methods used by the  
2 Federal Aviation Administration to estimate staffing  
3 needs for Federal Aviation Administration air traffic  
4 controllers, system specialists, and engineers to ensure  
5 proper maintenance, certification, and operation of  
6 the National Airspace System. The National Academy  
7 of Sciences shall consult with the Exclusive Bar-  
8 gaining Representative certified under section 7111 of  
9 title 5, United States Code, and the Administration  
10 (including the Civil Aeronautical Medical Institute)  
11 and examine data entailing human factors, traffic ac-  
12 tivity, and the technology at each facility.

13 (2) CONTENTS.—The study shall include—

14 (A) recommendations for objective staffing  
15 standards that maintain the safety of the Na-  
16 tional Airspace System; and

17 (B) the approximate length of time for de-  
18 veloping such standards.

19 (3) REPORT.—Not later than 24 months after  
20 executing a contract under subsection (a), the Na-  
21 tional Academy of Sciences shall transmit a report  
22 containing its findings and recommendations to the  
23 Congress.

24 (c) AVIATION SAFETY INSPECTORS.—



1           (1) *SAFETY STAFFING MODEL.*—Within 12  
2       *months after the date of enactment of this Act, the*  
3       *Administrator of the Federal Aviation Administra-*  
4       *tion shall develop a staffing model for aviation safety*  
5       *inspectors. In developing the model, the Adminis-*  
6       *trator shall consult with representatives of the avia-*  
7       *tion safety inspectors and other interested parties.*

8           (2) *SAFETY INSPECTOR STAFFING.*—*The Federal*  
9       *Aviation Administration aviation safety inspector*  
10      *staffing requirement shall be no less than the staffing*  
11      *levels indicated as necessary in the staffing model de-*  
12      *scribed under subsection (a).*

13       (d) *ALASKA FLIGHT SERVICE STATIONS.*—*Not later*  
14      *than 180 days after the date of the enactment of this Act,*  
15      *the Administrator, in conjunction with flight service station*  
16      *personnel, shall submit a report to Congress on the future*  
17      *of flight service stations in Alaska, which includes—*

18           (1) *an analysis of the number of flight service*  
19      *specialists needed, the training needed by such per-*  
20      *sonnel, and the need for a formal training and hiring*  
21      *program for such personnel;*

22           (2) *a schedule for necessary inspection, upgrades,*  
23      *and modernization of stations and equipment; and*

1           (3) a description of the interaction between flight  
 2       service stations operated by the Administration and  
 3       flight service stations operated by contractors.

4 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
 5 **TIONAL PARKS.**

6       (a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS  
 7 OF NATIONAL PARKS.—

8           (1) Section 40128 is amended—

9               (A) by striking paragraph (8) of subsection  
 10       (f);

11               (B) by striking “Director” each place it ap-  
 12       pears and inserting “Secretary of the Interior”;

13               (C) by striking “National Park Service” in  
 14       subsection (a)(2)(B)(vi) and inserting “Depart-  
 15       ment of the Interior”; and

16               (D) in subsection (b)—

17                   (i) in paragraph (1)—

18                       (I) in subparagraph (A)—

19                           (aa) by striking “, in co-  
 20       operation with” and inserting  
 21       “and”; and

22                           (bb) by striking “The air  
 23       tour” and all that follows; and

24                       (II) by redesignating subpara-  
 25       graph (B) as subparagraph (C);

1                   (III) by inserting after subpara-  
2                   graph (A) the following:

3                   “(B) *PROCESS AND APPROVAL.*—*The Fed-*  
4                   *eral Aviation Administration has sole authority*  
5                   *to control airspace over the United States. The*  
6                   *National Park Service has the sole responsibility*  
7                   *for conserving the scenery and natural resources*  
8                   *in National Parks and providing for the enjoy-*  
9                   *ment of the National Parks unimpaired for fu-*  
10                   *ture generations. Each air tour management*  
11                   *plan shall be—*

12                   “(i) *developed through a public process*  
13                   *that complies with paragraph (4); and*

14                   “(ii) *approved by the Administrator*  
15                   *and the Director.*”; and

16                   (IV) by adding at the end the fol-  
17                   lowing:

18                   “(D) *EXCEPTION.*—*An application to begin*  
19                   *commercial air tour operations at Crater Lake*  
20                   *National Park may be denied without the estab-*  
21                   *lishment of an air tour management plan by the*  
22                   *Director of the National Park Service if the Di-*  
23                   *rector determines that such operations would un-*  
24                   *acceptably impact park resources or visitor expe-*  
25                   *riences.*”; and

1                   (ii) in paragraph (4)(C), by striking  
2                   “National Park Service” and inserting “De-  
3                   partment of the Interior”.

4                   (2) *The National Parks Air Tour Management*  
5                   *Act of 2000 (49 U.S.C. 40128 note) is amended—*

6                   (A) by striking “Director” in section 804(b)  
7                   and inserting “Secretary of the Interior”;

8                   (B) in section 805—

9                   (i) by striking “Director of the Na-  
10                  tional Park Service” in subsection (a) and  
11                  inserting “Secretary of the Interior”;

12                  (ii) by striking “Director” each place  
13                  it appears and inserting “Secretary of the  
14                  Interior”;

15                  (iii) by striking “National Park Serv-  
16                  ice” each place it appears in subsection (b)  
17                  and inserting “Department of the Interior”;

18                  (iv) by striking “National Park Serv-  
19                  ice” in subsection (d)(2) and inserting “De-  
20                  partment of the Interior”; and

21                  (C) in section 807—

22                  (i) by striking “National Park Serv-  
23                  ice” in subsection (a)(1) and inserting “De-  
24                  partment of the Interior”; and

1                   (ii) by striking “Director of the Na-  
2                   tional Park Service” in subsection (b) and  
3                   inserting “Secretary of the Interior”.

4       (b) *ALLOWING OVERFLIGHTS IN CASE OF AGREE-*  
5 *MENT.—Paragraph (1) of subsection (a) of section 40128*  
6 *is amended—*

7               (1) by striking “and” after the semicolon in sub-  
8       paragraph (B);

9               (2) by striking “lands.” in subparagraph (C)  
10       and inserting “lands; and”; and

11              (3) by adding at the end the following:

12                   “(D) in accordance with a voluntary agree-  
13       ment between the commercial air tour operator  
14       and appropriate representatives of the national  
15       park or tribal lands, as the case may be.”.

16       (c) *MODIFICATION OF INTERIM OPERATING AUTHOR-*  
17 *ITY.—Section 40128(c)(2)(I) is amended to read as follows:*

18                   “(I) may allow for modifications of the in-  
19       terim operating authority without further envi-  
20       ronmental process, if—

21                   “(i) adequate information on the exist-  
22       ing and proposed operations of the commer-  
23       cial air tour operator is provided to the Ad-  
24       ministrator and the Secretary by the oper-  
25       ator seeking operating authority;

1           “(ii) the Administrator determines that  
2           the modifications would not adversely affect  
3           aviation safety or the management of the  
4           national airspace system; and

5           “(iii) the Secretary agrees that the  
6           modifications would not adversely affect  
7           park resources and visitor experiences.”.

8       (d) *REPORTING REQUIREMENTS FOR COMMERCIAL*  
9 *AIR TOUR OPERATORS.*—

10           (1) *IN GENERAL.*—Not later than 90 days after  
11           the date of the enactment of this Act, and annually  
12           thereafter, each commercial air tour conducting com-  
13           mercial air tour operations over a national park shall  
14           report to the Administrator of the Federal Aviation  
15           Administration and the Secretary of the Interior  
16           on—

17                   (A) the number of commercial air tour op-  
18                   erations conducted by such operator over the na-  
19                   tional park each day;

20                   (B) any relevant characteristics of commer-  
21                   cial air tour operations, including the routes, al-  
22                   titudes, duration, and time of day of flights; and

23                   (C) such other information as the Adminis-  
24                   trator and the Secretary may determine nec-  
25                   essary to administer the provisions of the Na-

1           *tional Parks Air Tour Management Act of 2000*  
2           *(49 U.S.C. 40128 note).*

3           (2) *FORMAT.*—*The report required by paragraph*  
4           *(1) shall be submitted in such form as the Adminis-*  
5           *trator and the Secretary determine to be appropriate.*

6           (3) *EFFECT OF FAILURE TO REPORT.*—*The Ad-*  
7           *ministrator shall rescind the operating authority of a*  
8           *commercial air tour operator that fails to file a re-*  
9           *port not later than 180 days after the date for the*  
10          *submittal of the report described in paragraph (1).*

11          (4) *AUDIT OF REPORTS.*—*Not later than 2 years*  
12          *after the date of the enactment of this Act, and at*  
13          *such times thereafter as the Inspector General of the*  
14          *Department of Transportation determines necessary,*  
15          *the Inspector General shall audit the reports required*  
16          *by paragraph (1).*

17          (e) *COLLECTION OF FEES FROM AIR TOUR OPER-*  
18          *ATIONS.*—

19               (1) *IN GENERAL.*—*The Secretary of the Interior*  
20               *shall assess a fee in an amount determined by the*  
21               *Secretary under paragraph (2) on a commercial air*  
22               *tour operator conducting commercial air tour oper-*  
23               *ations over a national park.*

24               (2) *AMOUNT OF FEE.*—*In determining the*  
25               *amount of the fee assessed under paragraph (1), the*

1        *Secretary shall collect sufficient revenue, in the aggre-*  
2        *gate, to pay for the expenses incurred by the Federal*  
3        *Government to develop air tour management plans*  
4        *for national parks.*

5            *(3) EFFECT OF FAILURE TO PAY FEE.—The Ad-*  
6        *ministrator of the Federal Aviation Administration*  
7        *shall revoke the operating authority of a commercial*  
8        *air tour operator conducting commercial air tour op-*  
9        *erations over any national park, including the Grand*  
10       *Canyon National Park, that has not paid the fee as-*  
11       *essed by the Secretary under paragraph (1) by the*  
12       *date that is 180 days after the date on which the Sec-*  
13       *retary determines the fee shall be paid.*

14          *(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—*  
15       *The Secretary of the Interior shall use the amounts collected*  
16       *under subsection (e) to develop air tour management plans*  
17       *under section 40128(b) of title 49, United States Code, for*  
18       *the national parks the Secretary determines would most*  
19       *benefit from such a plan.*

20          *(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL*  
21       *AIR TOUR OPERATORS.—The Administrator of the Federal*  
22       *Aviation Administration shall provide to the Administra-*  
23       *tion's district offices clear guidance on the ability of com-*  
24       *mercial air tour operators to obtain—*

25            *(1) increased safety certifications;*



1           (2) *exemptions from regulations requiring safety*  
2       *certifications; and*

3           (3) *other information regarding compliance with*  
4       *the requirements of this Act and other Federal and*  
5       *State laws and regulations.*

6       (h) *OPERATING AUTHORITY OF COMMERCIAL AIR*  
7       *TOUR OPERATORS.—*

8           (1) *TRANSFER OF OPERATING AUTHORITY.—*

9               (A) *IN GENERAL.—Subject to subparagraph*  
10           *(B), a commercial air tour operator that obtains*  
11           *operating authority from the Administrator*  
12           *under section 40128 of title 49, United States*  
13           *Code, to conduct commercial air tour operations*  
14           *may transfer such authority to another commer-*  
15           *cial air tour operator at any time.*

16            (B) *NOTICE.—Not later than 30 days before*  
17           *the date on which a commercial air tour oper-*  
18           *ator transfers operating authority under sub-*  
19           *paragraph (A), the operator shall notify the Ad-*  
20           *ministrator and the Secretary of the intent of the*  
21           *operator to transfer such authority.*

22            (C) *REGULATIONS.—Not later than 180*  
23           *days after the date of the enactment of this Act,*  
24           *the Administrator shall prescribe regulations to*

1           allow transfers of operating authority described  
2           in subparagraph (A).

3           (2) *TIME FOR DETERMINATION REGARDING OP-*  
4           *ERATING AUTHORITY.*—Notwithstanding any other  
5           provision of law, the Administrator shall determine  
6           whether to grant a commercial air tour operator oper-  
7           ating authority under section 40128 of title 49,  
8           United States Code, not later than 180 days after the  
9           earlier of the date on which—

10                 (A) the operator submits an application; or

11                 (B) an air tour management plan is com-  
12           pleted for the national park over which the oper-  
13           ator seeks to conduct commercial air tour oper-  
14           ations.

15           (3) *INCREASE IN INTERIM OPERATING AUTHOR-*  
16           *ITY.*—The Administrator and the Secretary may in-  
17           crease the interim operating authority while an air  
18           tour management plan is being developed for a park  
19           if—

20                 (A) the Secretary determines that such an  
21           increase does not adversely impact park re-  
22           sources or visitor experiences; and

23                 (B) the Administrator determines that  
24           granting interim operating authority does not

1           *adversely affect aviation safety or the manage-*  
 2           *ment of the national airspace system.*

3           (4) *ENFORCEMENT OF OPERATING AUTHORITY.*—

4           *The Administrator is authorized and directed to en-*  
 5           *force the requirements of this Act and any agency*  
 6           *rules or regulations related to operating authority.*

7   **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

8           (a) *IN GENERAL.*—Subchapter II of chapter 475 is  
 9           *amended by adding at the end the following:*

10   **“§47534. Prohibition on operating certain aircraft**  
 11                   ***weighing 75,000 pounds or less not com-***  
 12                   ***plying with Stage 3 noise levels***

13           “(a) *PROHIBITION.*—Except as provided in subsection  
 14           (b), (c), or (d), a person may not operate a civil subsonic  
 15           turbojet with a maximum weight of 75,000 pounds or less  
 16           to or from an airport in the United States unless the Sec-  
 17           retary of Transportation finds that the aircraft complies  
 18           with stage 3 noise levels.

19           “(b) *EXCEPTION.*—Subsection (a) shall not apply to  
 20           aircraft operated only outside the 48 contiguous States.

21           “(c) *OPT-OUT.*—Subsection (a) shall not apply at an  
 22           airport where the airport operator has notified the Sec-  
 23           retary that it wants to continue to permit the operation  
 24           of civil subsonic turbojets with a maximum weight of 75,000  
 25           pounds or less that do not comply with stage 3 noise levels.

1 *The Secretary shall post the notices received under this sub-*  
2 *section on its website or in another place easily accessible*  
3 *to the public.*

4 “(d) *LIMITATION.—The Secretary shall permit a per-*  
5 *son to operate Stage 1 and Stage 2 aircraft with a max-*  
6 *imum weight of 75,000 pounds or less to or from an airport*  
7 *in the contiguous 48 States in order—*

8 “(1) *to sell, lease, or use the aircraft outside the*  
9 *48 contiguous States;*

10 “(2) *to scrap the aircraft;*

11 “(3) *to obtain modifications to the aircraft to*  
12 *meet stage 3 noise levels;*

13 “(4) *to perform scheduled heavy maintenance or*  
14 *significant modifications on the aircraft at a mainte-*  
15 *nance facility located in the contiguous 48 states;*

16 “(5) *to deliver the aircraft to an operator leasing*  
17 *the aircraft from the owner or return the aircraft to*  
18 *the lessor;*

19 “(6) *to prepare or park or store the aircraft in*  
20 *anticipation of any of the activities described in*  
21 *paragraphs (1) through (5); or*

22 “(7) *to divert the aircraft to an alternative air-*  
23 *port in the 48 contiguous States on account of weath-*  
24 *er, mechanical, fuel air traffic control or other safety*  
25 *reasons while conducting a flight in order to perform*

1        *any of the activities described in paragraphs (1)*  
 2        *through (6).*

3        “(e) *STATUTORY CONSTRUCTION.—Nothing in the sec-*  
 4        *tion may be construed as interfering with, nullifying, or*  
 5        *otherwise affecting determinations made by the Federal*  
 6        *Aviation Administration, or to be made by the Administra-*  
 7        *tion, with respect to applications under part 161 of title*  
 8        *14, Code of Federal Regulations, that were pending on the*  
 9        *date of enactment of the Aircraft Noise Reduction Act of*  
 10       *2006.”.*

11       (b) *CONFORMING AMENDMENTS.—*

12            (1) *Section 47531 is amended by striking*  
 13            *“47529, or 47530” and inserting “47529, 47530, or*  
 14            *47534”.*

15            (2) *Section 47532 is amended by striking*  
 16            *“47528–47531” and inserting “47528 through 47531*  
 17            *or 47534”.*

18            (3) *The table of contents for chapter 475 is*  
 19            *amended by inserting after the item relating to sec-*  
 20            *tion 47533 the following:*

*“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less  
 not complying with Stage 3 noise levels”.*

21        (c) *EFFECTIVE DATE.—The amendments made by this*  
 22        *section shall take effect on December 31, 2014.*

1 **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

2       *On and after the date of the enactment of this Act,*  
3 *the Administrator of the Federal Aviation Administration*  
4 *is prohibited from taking actions designed to challenge or*  
5 *influence weight restrictions or prior permission rules at*  
6 *Teterboro Airport in Teterboro, New Jersey, except in an*  
7 *emergency.*

8 **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
9 **PORT PROPERTIES.**

10       *(a) IN GENERAL.—Within 1 year after the date of en-*  
11 *actment of this Act, the Administrator of the Federal Avia-*  
12 *tion Administration shall establish a pilot program at up*  
13 *to 4 public-use airports for local airport operators that have*  
14 *submitted a noise compatibility program approved by the*  
15 *Federal Aviation Administration under section 47504 of*  
16 *title 49, United States Code, under which such airport oper-*  
17 *ators may use funds made available under section 47117(e)*  
18 *of that title, or passenger facility revenue collected under*  
19 *section 40117 of that title, in partnership with affected*  
20 *neighboring local jurisdictions, to support joint planning,*  
21 *engineering design, and environmental permitting for the*  
22 *assembly and redevelopment of property purchased with*  
23 *noise mitigation funds or passenger facility charge funds,*  
24 *to encourage airport-compatible land uses and generate eco-*  
25 *nomie benefits to the local airport authority and adjacent*  
26 *community.*

1       (b) *NOISE COMPATIBILITY MEASURES.*—Section  
2   47504(a)(2) is amended—

3           (1) by striking “and” after the semicolon in sub-  
4   paragraph (D);

5           (2) by striking “operations.” in subparagraph  
6   (E) and inserting “operations; and”; and

7           (3) by adding at the end the following:

8           “(F) joint comprehensive land use planning in-  
9   cluding master plans, traffic studies, environmental  
10   evaluation and economic and feasibility studies, with  
11   neighboring local jurisdictions undertaking commu-  
12   nity redevelopment in the area where the land or  
13   other property interest acquired by the airport oper-  
14   ator pursuant to this subsection is located, to encour-  
15   age and enhance redevelopment opportunities that re-  
16   flect zoning and uses that will prevent the introduc-  
17   tion of additional incompatible uses and enhance re-  
18   development potential.”.

19       (c) *GRANT REQUIREMENTS.*—The Administrator may  
20   not make a grant under subsection (a) unless the grant is  
21   made—

22           (1) to enable the airport operator and local juris-  
23   dictions undertaking the community redevelopment  
24   effort to expedite redevelopment efforts;

1           (2) *subject to a requirement that the local juris-*  
 2           *diction governing the property interests in question*  
 3           *has adopted zoning regulations that permit airport*  
 4           *compatible redevelopment; and*

5           (3) *subject to a requirement that, in determining*  
 6           *the part of the proceeds from disposing of the land*  
 7           *that is subject to repayment or reinvestment under*  
 8           *section 47107(c)(2)(A) of title 49, United States Code,*  
 9           *the total amount of the grant issued under this section*  
 10           *shall be added to the amount of any grants issued for*  
 11           *acquisition of land.*

12           (d) *DEMONSTRATION GRANTS.—*

13           (1) *IN GENERAL.—The Administrator shall pro-*  
 14           *vide grants for up to 4 pilot property redevelopment*  
 15           *projects distributed geographically and targeted to*  
 16           *airports that demonstrate—*

17                   (A) *a readiness to implement cooperative*  
 18                   *land use management and redevelopment plans*  
 19                   *with the adjacent community; and*

20                   (B) *the probability of clear economic benefit*  
 21                   *to the local community and financial return to*  
 22                   *the airport through the implementation of the re-*  
 23                   *development plan.*

24           (2) *FEDERAL SHARE.—*



1           (A) Notwithstanding any other provision of  
2           law, the Federal share of the allowable costs of a  
3           project carried out under the pilot program shall  
4           be 80 percent.

5           (B) In determining the allowable costs, the  
6           Administrator shall deduct from the total costs of  
7           the activities described in subsection (a) that  
8           portion of the costs which is equal to that por-  
9           tion of the total property to be redeveloped under  
10          this section that is not owned or to be acquired  
11          by the airport operator pursuant to the noise  
12          compatibility program or that is not owned by  
13          the affected neighboring local jurisdictions or  
14          other public entities.

15          (3) *MAXIMUM AMOUNT.*—Not more than  
16          \$5,000,000 in funds made available under section  
17          47117(e) of title 49, United States Code, may be ex-  
18          pended under the pilot program at any single public-  
19          use airport.

20          (4) *EXCEPTION.*—Amounts paid to the Adminis-  
21          trator under subsection (c)(3)—

22                 (A) shall be in addition to amounts author-  
23                 ized under section 48203 of title 49, United  
24                 States Code;

1                   (B) shall not be subject to any limitation on  
2                   grant obligations for any fiscal year; and

3                   (C) shall remain available until expended.

4           (e) *USE OF PASSENGER REVENUE.*—An airport spon-  
5 sor that owns or operates an airport participating in the  
6 pilot program may use passenger facility revenue collected  
7 under section 40117 of title 49, United States Code, to pay  
8 any project cost described in subsection (a) that is not fi-  
9 nanced by a grant under the program.

10          (f) *SUNSET.*—This section, other than the amendments  
11 made by subsections (b), shall not be in effect after Sep-  
12 tember 30, 2011.

13          (g) *REPORT TO CONGRESS.*—The Administrator shall  
14 report to Congress within 18 months after making the first  
15 grant under this section on the effectiveness of this program  
16 on returning part 150 lands to productive use.

17 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

18          (a) *IN GENERAL.*—Subchapter I of chapter 417 is  
19 amended by adding at the end thereof the following:

20 **“§ 41724. Musical instruments**

21               “(a) *IN GENERAL.*—

22                   “(1) *SMALL INSTRUMENTS AS CARRY-ON BAG-*  
23 *GAGE.*—An air carrier providing air transportation  
24 shall permit a passenger to carry a violin, guitar, or

1     *other musical instrument in the aircraft cabin with-*  
2     *out charge if—*

3             *“(A) the instrument can be stowed safely in*  
4             *a suitable baggage compartment in the aircraft*  
5             *cabin or under a passenger seat; and*

6             *“(B) there is space for such stowage at the*  
7             *time the passenger boards the aircraft.*

8             *“(2) LARGER INSTRUMENTS AS CARRY-ON BAG-*  
9             *GAGE.—An air carrier providing air transportation*  
10            *shall permit a passenger to carry a musical instru-*  
11            *ment that is too large to meet the requirements of*  
12            *paragraph (1) in the aircraft cabin without charge*  
13            *if—*

14            *“(A) the instrument is contained in a case*  
15            *or covered so as to avoid injury to other pas-*  
16            *sengers;*

17            *“(B) the weight of the instrument, including*  
18            *the case or covering, does not exceed 165 pounds;*

19            *“(C) the instrument can be secured by a*  
20            *seat belt to avoid shifting during flight;*

21            *“(D) the instrument does not restrict access*  
22            *to, or use of, any required emergency exit, reg-*  
23            *ular exit, or aisle;*

1           “(E) the instrument does not obscure any  
2           passenger’s view of any illuminated exit, warn-  
3           ing, or other informational sign;

4           “(F) neither the instrument nor the case  
5           contains any object not otherwise permitted to be  
6           carried in an aircraft cabin because of a law or  
7           regulation of the United States; and

8           “(G) the passenger wishing to carry the in-  
9           strument in the aircraft cabin has purchased an  
10          additional seat to accommodate the instrument.

11          “(3) *LARGE INSTRUMENTS AS CHECKED BAG-*  
12          *GAGE.—An air carrier shall transport as baggage,*  
13          *without charge, a musical instrument that is the*  
14          *property of a passenger traveling in air transpor-*  
15          *tation that may not be carried in the aircraft cabin*  
16          *if—*

17               “(A) the sum of the length, width, and  
18               height measured in inches of the outside linear  
19               dimensions of the instrument (including the  
20               case) does not exceed 150 inches; and

21               “(B) the weight of the instrument does not  
22               exceed 165 pounds.

23          “(b) *REGULATIONS.—The Secretary may prescribe*  
24          *such regulations as may be necessary or appropriate to im-*  
25          *plement subsection (a).”.*

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 417 is amended by inserting after the item relat-*  
 3 *ing to section 41723 the following:*

*“41724. Musical instruments”.*

4       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 5 *section shall take effect 30 days after the date of enactment*  
 6 *of this Act.*

7 **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

8       (a) *AIRPORT PLANNING.*—*Section 47102(5) is amend-*  
 9 *ed by striking “planning.” and inserting “planning and*  
 10 *a plan for recycling and minimizing the generation of air-*  
 11 *port solid waste, consistent with applicable State and local*  
 12 *recycling laws, including the cost of a waste audit.”.*

13       (b) *MASTER PLAN.*—*Section 47106(a) is amended—*

14               (1) *by striking “and” in paragraph (4);*

15               (2) *by striking “proposed.” in paragraph (5)*  
 16 *and inserting “proposed; and”; and*

17               (3) *by adding at the end the following:*

18                       *“(6) if the project is for an airport that has an*  
 19 *airport master plan, the master plan addresses—*

20                               *“(A) the feasibility of solid waste recycling*  
 21 *at the airport;*

22                               *“(B) minimizing the generation of solid*  
 23 *waste at the airport;*

24                               *“(C) operation and maintenance require-*  
 25 *ments;*

1                   “(D) the review of waste management con-  
2                   tracts;

3                   “(E) the potential for cost savings or the  
4                   generation of revenue; and

5                   “(F) training and education require-  
6                   ments.”.

7   **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
8                   **GRAM ADJUSTMENTS.**

9           (a) *PURPOSE.*—It is the purpose of the airport dis-  
10   advantaged business enterprise program (49 U.S.C.  
11   47107(e) and 47113) to ensure that minority- and women-  
12   owned businesses do not face barriers because of their race  
13   or gender and so that they have a fair opportunity to com-  
14   pete in Federally assisted airport contracts and concessions.

15          (b) *FINDINGS.*—The Congress finds the following:

16               (1) While significant progress has occurred due  
17   to the enactment of the airport disadvantaged busi-  
18   ness enterprise program (49 U.S.C. 47107(e) and  
19   47113), discrimination continues to be a barrier for  
20   minority- and women-owned businesses seeking to do  
21   business in airport-related markets. This continuing  
22   barrier merits the continuation of the airport dis-  
23   advantaged business enterprise program.

24               (2) The Congress has received recent evidence of  
25   discrimination from numerous sources, including con-

gressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

“(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

1           “(A) *IN GENERAL.*—Not later than one  
2           year after the date of enactment of the *FAA*  
3           *Air Transportation Modernization and*  
4           *Safety Improvement Act*, the Secretary shall  
5           establish a mandatory training program for  
6           persons described in subparagraph (C) on  
7           the certification of whether a small business  
8           concern in airport concessions qualifies as a  
9           small business concern owned and controlled  
10          by a socially and economically disadvan-  
11          taged individual for purposes of paragraph  
12          (1).

13          “(B) *IMPLEMENTATION.*—The training  
14          program may be implemented by one or  
15          more private entities approved by the Sec-  
16          retary.

17          “(C) *PARTICIPANTS.*—A person re-  
18          ferred to in paragraph (1) is an official or  
19          agent of an airport owner or operator who  
20          is required to provide a written assurance  
21          under paragraph (1) that the airport owner  
22          or operator will meet the percentage goal of  
23          paragraph (1) or who is responsible for de-  
24          termining whether or not a small business  
25          concern in airport concessions qualifies as a



1            *small business concern owned and controlled*  
 2            *by a socially and economically disadvan-*  
 3            *tagged individual for purposes of paragraph*  
 4            *(1).*

5            “(D) *AUTHORIZATION OF APPROPRIA-*  
 6            *TIONS.—There are authorized to be appro-*  
 7            *priated to the Secretary such sums as may*  
 8            *be necessary to carry out this paragraph.”.*

9            (d) *REPORT.—Not later than 24 months after the date*  
 10          *of enactment of this Act, the Secretary shall submit a report*  
 11          *to the Senate Committee on Commerce, Science, and Trans-*  
 12          *portation, the House of Representatives Committee on*  
 13          *Transportation and Infrastructure, and other appropriate*  
 14          *committees of Congress on the results of the training pro-*  
 15          *gram conducted under section 47107(e)(8) of title 49,*  
 16          *United States Code, as added by subsection (a).*

17          (e) *DISADVANTAGED BUSINESS ENTERPRISE PER-*  
 18          *SONAL NET WORTH CAP; BONDING REQUIREMENTS.—Sec-*  
 19          *tion 47113 is amended by adding at the end the following:*

20          “(e) *PERSONAL NET WORTH CAP.—Not later than 180*  
 21          *days after the date of enactment of the FAA Air Transpor-*  
 22          *tation Modernization and Safety Improvement Act, the Sec-*  
 23          *retary shall issue final regulations to adjust the personal*  
 24          *net worth cap used in determining whether an individual*  
 25          *is economically disadvantaged for purposes of qualifying*

1 *under the definition contained in subsection (a)(2) and*  
2 *under section 47107(e). The regulations shall correct for the*  
3 *impact of inflation since the Small Business Administra-*  
4 *tion established the personal net worth cap at \$750,000 in*  
5 *1989.*

6 “(f) *EXCLUSION OF RETIREMENT BENEFITS.*—

7 “(1) *IN GENERAL.*—*In calculating a business*  
8 *owner’s personal net worth, any funds held in a*  
9 *qualified retirement account owned by the business*  
10 *owner shall be excluded, subject to regulations to be*  
11 *issued by the Secretary.*

12 “(2) *REGULATIONS.*—*Not later than one year*  
13 *after the date of enactment of the FAA Air Transpor-*  
14 *tation Modernization and Safety Improvement Act,*  
15 *the Secretary shall issue final regulations to imple-*  
16 *ment paragraph (1), including consideration of ap-*  
17 *propriate safeguards, such as a limit on the amount*  
18 *of such accounts, to prevent circumvention of personal*  
19 *net worth requirements.*

20 “(g) *PROHIBITION ON EXCESSIVE OR DISCRIMINATORY*  
21 *BONDING REQUIREMENTS.*—

22 “(1) *IN GENERAL.*—*The Secretary shall establish*  
23 *a program to eliminate barriers to small business*  
24 *participation in airport-related contracts and conces-*  
25 *sions by prohibiting excessive, unreasonable, or dis-*

1        *criminatory bonding requirements for any project*  
 2        *funded under this chapter or using passenger facility*  
 3        *revenues under section 40117.*

4            “(2) *REGULATIONS.*—Not later than one year  
 5        *after the date of enactment of the FAA Air Transpor-*  
 6        *tation Modernization and Safety Improvement Act,*  
 7        *the Secretary shall issue a final rule to establish the*  
 8        *program under paragraph (1).”.*

9    **SEC. 716. FRONT LINE MANAGER STAFFING.**

10        (a) *STUDY.*—Not later than 45 days after the date of  
 11        *enactment of this Act, the Administrator of the Federal*  
 12        *Aviation Administration shall initiate a study on front line*  
 13        *manager staffing requirements in air traffic control facili-*  
 14        *ties.*

15        (b) *CONSIDERATIONS.*—In conducting the study, the  
 16        *Administrator may take into consideration—*

17            (1) *the number of supervisory positions of oper-*  
 18        *ation requiring watch coverage in each air traffic*  
 19        *control facility;*

20            (2) *coverage requirements in relation to traffic*  
 21        *demand;*

22            (3) *facility type;*

23            (4) *complexity of traffic and managerial respon-*  
 24        *sibilities;*

25            (5) *proficiency and training requirements; and*

1           (6) *such other factors as the Administrator con-*  
2           *siders appropriate.*

3           (c) *DETERMINATIONS.—The Administrator shall*  
4           *transmit any determinations made as a result of the study*  
5           *to the Chief Operating Officer for the air traffic control sys-*  
6           *tem.*

7           (d) *REPORT.—Not later than 180 days after the date*  
8           *of enactment of this Act, the Administrator shall submit*  
9           *to the Senate Committee on Commerce, Science, and Trans-*  
10          *portation and the House of Representatives Committee on*  
11          *Transportation and Infrastructure a report on the results*  
12          *of the study and a description of any determinations sub-*  
13          *mitted to the Chief Operating Officer under subsection (c).*

14   **SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AM-**  
15                   **BULANCE SERVICES.**

16          (a) *IN GENERAL.—The Comptroller General shall con-*  
17          *duct a study of the helicopter and fixed-wing air ambulance*  
18          *industry. The study shall include information, analysis,*  
19          *and recommendations pertinent to ensuring a safe air am-*  
20          *bulance industry.*

21          (b) *REQUIRED INFORMATION.—In conducting the*  
22          *study, the Comptroller General shall obtain detailed infor-*  
23          *mation on the following aspects of the air ambulance indus-*  
24          *try:*

1           (1) *A review of the industry, for part 135 certifi-*  
2           *cate holders and indirect carriers providing helicopter*  
3           *and fixed-wing air ambulance services, including—*

4                   (A) *a listing of the number, size, and loca-*  
5                   *tion of helicopter and fixed-wing aircraft and*  
6                   *their flight bases;*

7                   (B) *affiliations of certificate holders and in-*  
8                   *direct carriers with hospitals, governments, and*  
9                   *other entities;*

10                  (C) *coordination of air ambulance services,*  
11                  *with each other, State and local emergency med-*  
12                  *ical services systems, referring entities, and re-*  
13                  *ceiving hospitals;*

14                  (D) *nature of services contracts, sources of*  
15                  *payment, financial relationships between certifi-*  
16                  *cate holders and indirect carriers providing air*  
17                  *ambulance services and referring entities, and*  
18                  *costs of operations; and*

19                  (E) *a survey of business models for air am-*  
20                  *bulance operations, including expenses, structure,*  
21                  *and sources of income.*

22           (2) *Air ambulance request and dispatch prac-*  
23           *tices, including the various types of protocols, models,*  
24           *training, certifications, and air medical communica-*  
25           *tions centers relating to part 135 certificate holders*

1       *and indirect carriers providing helicopter and fixed-*  
2       *wing air ambulance services, including—*

3               *(A) the practices that emergency and med-*  
4               *ical officials use to request an air ambulance;*

5               *(B) information on whether economic or*  
6               *other nonmedical factors lead to air ambulance*  
7               *transport when it is not medically needed, ap-*  
8               *propriate, or safe; and*

9               *(C) the cause, occurrence, and extent of*  
10              *delays in air ambulance transport.*

11       *(3) Economic and medical issues relating to the*  
12       *air ambulance industry, including—*

13               *(A) licensing;*

14               *(B) certificates of need;*

15               *(C) public convenience and necessity re-*  
16               *quirements;*

17               *(D) assignment of geographic coverage*  
18               *areas;*

19               *(E) accreditation requirements;*

20               *(F) compliance with dispatch procedures;*  
21               *and*

22               *(G) requirements for medical equipment*  
23               *and personnel onboard the aircraft.*

24       *(4) Such other matters as the Comptroller Gen-*  
25       *eral considers relevant to the purpose of the study.*

1       (c) *ANALYSIS AND RECOMMENDATIONS.*—Based on in-  
2   formation obtained under subsection (b) and other informa-  
3   tion the Comptroller General considers appropriate, the re-  
4   port shall also include an analysis and specific rec-  
5   ommendations, as appropriate, related to—

6           (1) *the relationship between State regulation and*  
7       *Federal preemption of rates, routes, and services of*  
8       *air ambulances;*

9           (2) *the extent to which Federal law may impact*  
10      *existing State regulation of air ambulances and the*  
11      *potential effect of greater State regulation—*

12           (A) *in the air ambulance industry, on the*  
13      *economic viability of air ambulance services, the*  
14      *availability and coordination of service, and*  
15      *costs of operations both in rural and highly pop-*  
16      *ulated areas;*

17           (B) *on the quality of patient care and out-*  
18      *comes; and*

19           (C) *on competition and safety; and*

20           (3) *whether systemic or other problems exist on*  
21      *a statewide, regional, or national basis with the cur-*  
22      *rent system governing air ambulances.*

23       (d) *REPORT.*—Not later than June 1, 2010, the Comp-  
24   troller General shall submit a report to the Secretary of  
25   Transportation, the Senate Committee on Commerce,

1 *Science, and Transportation, and the House of Representa-*  
 2 *tives Committee on Transportation and Infrastructure con-*  
 3 *taining the Government Accountability Office’s findings*  
 4 *and recommendations regarding the study under this sec-*  
 5 *tion.*

6 (e) *ADOPTION OF RECOMMENDED POLICY CHANGES.—*  
 7 *Not later than 60 days after the date of receipt of the report*  
 8 *under subsection (d), the Secretary shall issue a report to*  
 9 *the Senate Committee on Commerce, Science, and Trans-*  
 10 *portation, and the House of Representatives Committee on*  
 11 *Transportation and Infrastructure that—*

12 (1) *specifies which, if any, policy changes rec-*  
 13 *ommended by the Comptroller General and any other*  
 14 *policy changes with respect to air ambulances the*  
 15 *Secretary will adopt and implement; and*

16 (2) *includes recommendations for legislative*  
 17 *change, if appropriate*

18 (f) *PART 135 CERTIFICATE HOLDER DEFINED.—In*  
 19 *this section, the term “part 135 certificate holder” means*  
 20 *a person holding a certificate issued under part 135 of title*  
 21 *14, Code of Federal Regulations.*

22 **SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METRO-**  
 23 **POLITAN WASHINGTON AIRPORTS AUTHOR-**  
 24 **ITY.**

25 (a) *IN GENERAL.—Section 49108 is repealed.*



1       (b) *CONFORMING REPEAL.*—*The table of sections for*  
 2 *chapter 491 is amended by striking the item relating to sec-*  
 3 *tion 49108.*

4   **SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

5       *Not later than 180 days after the date of enactment*  
 6 *of this Act, the Administrator of the Federal Aviation Ad-*  
 7 *ministration, in consultation with other Federal agencies,*  
 8 *shall submit a report to the Senate Committee on Com-*  
 9 *merce, Science, and Transportation, the House of Rep-*  
 10 *resentatives Committee on Science and Technology, and the*  
 11 *House of Representatives Committee on Energy and Com-*  
 12 *merce that identifies—*

13           (1) *the current and anticipated need over the*  
 14 *next decade by civil aviation, including equipment*  
 15 *manufacturers, for aeronautical mobile telemetry serv-*  
 16 *ices; and*

17           (2) *the potential impact to the aerospace indus-*  
 18 *try of the introduction of a new radio service oper-*  
 19 *ating in the same spectrum allocated to the aero-*  
 20 *nautical mobile telemetry service.*

21   **SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RE-**  
 22       **SOURCE MANAGEMENT TECHNIQUES.**

23       (a) *STUDY.*—*The Administrator of the Federal Avia-*  
 24 *tion Administration shall conduct a study on aviation in-*  
 25 *dustry best practices with regard to flightcrew member*

1 *pairing, crew resource management techniques, and pilot*  
 2 *commuting.*

3       **(b) REPORT.**—*Not later than one year after the date*  
 4 *of enactment of this Act, the Administrator shall submit*  
 5 *a report to the House of Representatives Committee on*  
 6 *Transportation and Infrastructure and the Senate Com-*  
 7 *mittee on Commerce, Science, and Transportation on the*  
 8 *results of the study.*

9 **SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**  
 10 **REDUNDANT, OR OTHERWISE UNNECESSARY**  
 11 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**  
 12 **MAT.**

13       **(a) CONSOLIDATION OR ELIMINATION OF REPORTS.**—  
 14 *No later than 2 years after the date of enactment of this*  
 15 *Act, and every 2 years thereafter, the Administrator of the*  
 16 *Federal Aviation Administration shall submit a report to*  
 17 *the Senate Committee on Commerce, Science, and Trans-*  
 18 *portation and the House of Representatives Committee on*  
 19 *Transportation and Infrastructure containing—*

20               **(1)** *a list of obsolete, redundant, or otherwise un-*  
 21 *necessary reports the Administration is required by*  
 22 *law to submit to the Congress or publish that the Ad-*  
 23 *ministrator recommends eliminating or consolidating*  
 24 *with other reports; and*

1           (2) *an estimate of the cost savings that would re-*  
2           *sult from the elimination or consolidation of those re-*  
3           *ports.*

4           ***(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—***

5           (1) *IN GENERAL.—Notwithstanding any other*  
6           *provision of law, the Federal Aviation Administra-*  
7           *tion—*

8                     (A) *may not publish any report required or*  
9                     *authorized by law in printed format; and*

10                    (B) *shall publish any such report by post-*  
11                    *ing it on the Administration’s website in an eas-*  
12                    *ily accessible and downloadable electronic for-*  
13                    *mat.*

14           (2) *EXCEPTION.—Paragraph (1) does not apply*  
15           *to any report with respect to which the Administrator*  
16           *determines that—*

17                    (A) *its publication in printed format is es-*  
18                    *sential to the mission of the Federal Aviation*  
19                    *Administration; or*

20                    (B) *its publication in accordance with the*  
21                    *requirements of paragraph (1) would disclose*  
22                    *matter—*

23                             (i) *described in section 552(b) of title*  
24                             *5, United States Code; or*

1                   (ii) the disclosure of which would have  
2                   an adverse impact on aviation safety or se-  
3                   curity, as determined by the Administrator.

4 **SEC. 722. LINE CHECK EVALUATIONS.**

5       Section 44729(h) is amended—

6                   (1) by striking paragraph (2); and  
7                   (2) by redesignating paragraph (3) as para-  
8                   graph (2).

9 **SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAF-**  
10 **FIC CONTROL TOWER.**

11       Not later than 90 days after the date of the enactment  
12 of this Act, the Administrator of the Federal Aviation Ad-  
13 ministration shall report to the Committee on Commerce,  
14 Science, and Transportation of the Senate, and the Com-  
15 mittee on Transportation and Infrastructure of the House  
16 of Representatives, on the Federal Aviation Administra-  
17 tion's plan to staff the Newark Liberty Airport air traffic  
18 control tower at negotiated staffing levels within 1 year  
19 after such date of enactment.

20 **SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS**  
21 **IN COLD WEATHER STATES.**

22       The Administrator of the Federal Aviation Adminis-  
23 tration shall, to the maximum extent practicable, schedule  
24 the Administrator's review of construction projects so that  
25 projects to be carried out in States in which the weather

1 *during a typical calendar year prevents major construction*  
2 *projects from being carried out before May 1 are reviewed*  
3 *as early as possible.*

4 **SEC. 725. AIR-RAIL CODESHARE STUDY.**

5 *(a) CODESHARE STUDY.—Not later than 180 days*  
6 *after the date of the enactment of this Act, the GAO shall*  
7 *conduct a study of—*

8 *(1) the current airline and intercity passenger*  
9 *rail codeshare arrangements;*

10 *(2) the feasibility and costs to taxpayers and*  
11 *passengers of increasing intermodal connectivity of*  
12 *airline and intercity passenger rail facilities and sys-*  
13 *tems to improve passenger travel.*

14 *(b) CONSIDERATIONS.—The study shall consider—*

15 *(1) the potential benefits to passengers and costs*  
16 *to taxpayers from the implementation of more inte-*  
17 *grated scheduling between airlines and Amtrak or*  
18 *other intercity passenger rail carriers achieved*  
19 *through codesharing arrangements;*

20 *(2) airport operations that can improve*  
21 *connectivity to intercity passenger rail facilities and*  
22 *stations.*

23 *(c) REPORT.—Not later than 1 year after commencing*  
24 *the study required by subsection (a), the Comptroller shall*  
25 *submit the report to the Committee on Commerce, Science,*

1 *and Transportation of the Senate and the Committee on*  
 2 *Transportation and Infrastructure of the House of Rep-*  
 3 *resentatives. The report shall include any conclusions of the*  
 4 *Comptroller resulting from the study.*

5 **SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE**  
 6 **NEW YORK/NEW JERSEY/PHILADELPHIA MET-**  
 7 **ROPOLITAN AREA AIRSPACE REDESIGN.**

8 *Not later than 270 days after the date of the enactment*  
 9 *of this Act and every 180 days thereafter until the comple-*  
 10 *tion of the New York/New Jersey/Philadelphia Metropolitan*  
 11 *Area Airspace Redesign, the Administrator of the Federal*  
 12 *Aviation Administration shall, in conjunction with the*  
 13 *Port Authority of New York and New Jersey and the Phila-*  
 14 *delphia International Airport—*

15 *(1) monitor the air noise impacts of the New*  
 16 *York/New Jersey/Philadelphia Metropolitan Area Air-*  
 17 *space Redesign; and*

18 *(2) submit to Congress a report on the findings*  
 19 *of the Administrator with respect to the monitoring*  
 20 *described in paragraph (1).*

21 **SEC. 727. STUDY ON AVIATION FUEL PRICES.**

22 *(a) IN GENERAL.—Not later than 180 days after the*  
 23 *date of the enactment of this Act, the Comptroller General*  
 24 *of the United States shall conduct a study and report to*  
 25 *Congress on the impact of increases in aviation fuel prices*

1 *on the Airport and Airway Trust Fund and the aviation*  
 2 *industry in general. The study shall include the impact of*  
 3 *increases in aviation fuel prices on—*

- 4 *(1) general aviation;*
- 5 *(2) commercial passenger aviation;*
- 6 *(3) piston aircraft purchase and use;*
- 7 *(4) the aviation services industry, including re-*  
 8 *pair and maintenance services;*
- 9 *(5) aviation manufacturing;*
- 10 *(6) aviation exports; and*
- 11 *(7) the use of small airport installations.*

12 *(b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—*  
 13 *In conducting the study required by subsection (a), the*  
 14 *Comptroller General shall use the average aviation fuel*  
 15 *price for fiscal year 2010 as a baseline and measure the*  
 16 *impact of increases in aviation fuel prices that range from*  
 17 *5 percent to 200 percent over the 2010 baseline.*

18 **SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUP-**  
 19 **PLEMENTAL AIRPORT.**

20 *(a) DEFINITIONS.—In this section:*

21 *(1) COUNTY.—The term “County” means Clark*  
 22 *County, Nevada.*

23 *(2) PUBLIC LAND.—The term “public land”*  
 24 *means the land located at—*

1                   (A) *sec. 23 and sec. 26, T. 26 S., R. 59 E.,*  
 2                   *Mount Diablo Meridian;*

3                   (B) *the NE <sup>1</sup>/<sub>4</sub> and the N <sup>1</sup>/<sub>2</sub> of the SE <sup>1</sup>/<sub>4</sub>*  
 4                   *of sec. 6, T. 25 S., R. 59 E., Mount Diablo Me-*  
 5                   *ridian, together with the SE <sup>1</sup>/<sub>4</sub> of sec. 31, T. 24*  
 6                   *S., R. 59 E., Mount Diablo Meridian; and*

7                   (C) *sec. 8, T. 26 S., R. 60 E., Mount Diablo*  
 8                   *Meridian.*

9                   (3) *SECRETARY.—The term “Secretary” means*  
 10                   *the Secretary of the Interior.*

11                   (b) *LAND CONVEYANCE.—*

12                   (1) *IN GENERAL.—As soon as practicable after*  
 13                   *the date described in paragraph (2), subject to valid*  
 14                   *existing rights, and notwithstanding the land use*  
 15                   *planning requirements of sections 202 and 203 of the*  
 16                   *Federal Land Policy and Management Act of 1976*  
 17                   *(43 U.S.C. 1712, 1713), the Secretary shall convey to*  
 18                   *the County, without consideration, all right, title, and*  
 19                   *interest of the United States in and to the public*  
 20                   *land.*

21                   (2) *DATE ON WHICH CONVEYANCE MAY BE*  
 22                   *MADE.—The Secretary shall not make the conveyance*  
 23                   *described in paragraph (1) until the later of the date*  
 24                   *on which the Administrator of the Federal Aviation*  
 25                   *Administration has—*



1           (A) approved an airport layout plan for an  
2           airport to be located in the Ivanpah Valley; and

3           (B) with respect to the construction and op-  
4           eration of an airport on the site conveyed to the  
5           County pursuant to section 2(a) of the Ivanpah  
6           Valley Airport Public Lands Transfer Act (Pub-  
7           lic Law 106–362; 114 Stat. 1404), issued a  
8           record of decision after the preparation of an en-  
9           vironmental impact statement or similar anal-  
10          ysis required under the National Environmental  
11          Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12          (3) *WITHDRAWAL*.—Subject to valid existing  
13          rights, the public land to be conveyed under para-  
14          graph (1) is withdrawn from—

15               (A) location, entry, and patent under the  
16               mining laws; and

17               (B) operation of the mineral leasing and  
18               geothermal leasing laws.

19          (4) *USE*.—The public land conveyed under para-  
20          graph (1) shall be used for the development of flood  
21          mitigation infrastructure for the Southern Nevada  
22          Supplemental Airport.

1 **SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUN-**  
2 **TEER PILOTS OPERATING CHARITABLE MED-**  
3 **ICAL FLIGHTS.**

4 *In administering part 61.113(c) of title 14, Code of*  
5 *Federal Regulations, the Administrator of the Federal Avia-*  
6 *tion Administration shall allow an aircraft owner or air-*  
7 *craft operator who has volunteered to provide transpor-*  
8 *tation for an individual or individuals for medical pur-*  
9 *poses to accept reimbursement to cover all or part of the*  
10 *fuel costs associated with the operation from a volunteer*  
11 *pilot organization.*

12 **SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS**  
13 **OXIDE, OR OTHER OXIDIZING GASES.**

14 *(a) IN GENERAL.—The transportation within Alaska*  
15 *of cylinders of compressed oxygen, nitrous oxide, or other*  
16 *oxidizing gases aboard aircraft shall be exempt from com-*  
17 *pliance with the requirements, under sections 173.302(f)(3)*  
18 *and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and*  
19 *Hazardous Material Safety Administration's regulations*  
20 *(49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and*  
21 *(f)(4)), that oxidizing gases transported aboard aircraft be*  
22 *enclosed in outer packaging capable of passing the flame*  
23 *penetration and resistance test and the thermal resistance*  
24 *test, without regard to the end use of the cylinders, if—*

25 *(1) there is no other practical means of transpor-*  
26 *tation for transporting the cylinders to their destina-*

1        *tion and transportation by ground or vessel is un-*  
2        *available; and*

3            *(2) the transportation meets the requirements of*  
4        *subsection (b).*

5        *(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall*  
6        *not apply to the transportation of cylinders of compressed*  
7        *oxygen, nitrous oxide, or other oxidizing gases aboard air-*  
8        *craft unless the following requirements are met:*

9            *(1) PACKAGING.—*

10            *(A) SMALLER CYLINDERS.—Each cylinder*  
11            *with a capacity of not more than 116 cubic feet*  
12            *shall be—*

13                    *(i) fully covered with a fire or flame*  
14                    *resistant blanket that is secured in place;*  
15                    *and*

16                    *(ii) placed in a rigid outer packaging*  
17                    *or an ATA 300 Category 1 shipping con-*  
18                    *tainer.*

19            *(B) LARGER CYLINDERS.—Each cylinder*  
20            *with a capacity of more than 116 cubic feet but*  
21            *not more than 281 cubic feet shall be—*

22                    *(i) secured within a frame;*

23                    *(ii) fully covered with a fire or flame*  
24                    *resistant blanket that is secured in place;*  
25                    *and*

1                   (iii) *fitted with a securely attached*  
2                   *metal cap of sufficient strength to protect*  
3                   *the valve from damage during transpor-*  
4                   *tation.*

5                   (2) *OPERATIONAL CONTROLS.—*

6                   (A) *STORAGE; ACCESS TO FIRE EXTIN-*  
7                   *GUISHERS.—Unless the cylinders are stored in a*  
8                   *Class C cargo compartment or its equivalent on*  
9                   *the aircraft, crew members shall have access to*  
10                  *the cylinders and at least 2 fire extinguishers*  
11                  *shall be readily available for use by the crew*  
12                  *members.*

13                  (B) *SHIPMENT WITH OTHER HAZARDOUS*  
14                  *MATERIALS.—The cylinders may not be trans-*  
15                  *ported in the same aircraft with other hazardous*  
16                  *materials other than Division 2.2 materials with*  
17                  *no subsidiary risk, Class 9 materials, and ORM-*  
18                  *D materials.*

19                  (3) *AIRCRAFT REQUIREMENTS.—*

20                  (A) *AIRCRAFT TYPE.—The transportation*  
21                  *shall be provided only aboard a passenger-car-*  
22                  *rying aircraft or a cargo aircraft.*

23                  (B) *PASSENGER-CARRYING AIRCRAFT.—*

24                         (i) *SMALLER CYLINDERS ONLY.—A cyl-*  
25                         *inder with a capacity of more than 116*

1           cubic feet may not be transported aboard a  
2           passenger-carrying aircraft.

3           (ii) *MAXIMUM NUMBER.*—Unless trans-  
4           ported in a Class C cargo compartment or  
5           its equivalent, no more than 6 cylinders in  
6           each cargo compartment may be trans-  
7           ported aboard a passenger-carrying air-  
8           craft.

9           (C) *CARGO AIRCRAFT.*—A cylinder may not  
10          be transported aboard a cargo aircraft unless it  
11          is transported in a Class B cargo compartment  
12          or a Class C cargo compartment or its equiva-  
13          lent.

14          (c) *DEFINITIONS.*—Terms used in this section shall  
15          have the meaning given those terms in parts 106, 107, and  
16          171 through 180 of the Pipeline and Hazardous Material  
17          Safety Administration’s regulations (49 C.F.R. parts 106,  
18          107, and 171–180).

19   **SEC. 731. TECHNICAL CORRECTION.**

20          Section 159(b)(2)(C) of title I of division A of the Con-  
21          solidated Appropriations Act, 2010, is amended by striking  
22          clauses (i) and (ii) and inserting the following:

23                       “(i) requiring inspections of any con-  
24                       tainer containing a firearm or ammuni-  
25                       tion; and

1                   “(ii) the temporary suspension of fire-  
 2                   arm carriage service if credible intelligence  
 3                   information indicates a threat related to the  
 4                   national rail system or specific routes or  
 5                   trains.”.

6 **SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON**  
 7 **COMMERCIAL FLIGHTS.**

8           (a) *PLAN DEVELOPMENT.*—Not later than 270 days  
 9 after the date of the enactment of this Act, the Secretary  
 10 of Transportation and the Secretary of Commerce, in con-  
 11 sultation with interested representatives of the aviation in-  
 12 dustry and other relevant agencies, shall develop a plan and  
 13 process to allow Federal agencies to fly scientific instru-  
 14 ments on commercial flights with airlines who volunteer,  
 15 for the purpose of taking measurements to improve weather  
 16 forecasting.

17 **SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER**  
 18 **AT AN AIRCRAFT.**

19           (a) *OFFENSE.*—Chapter 2 of title 18, United States  
 20 Code, is amended by adding at the end the following:

21 **“§ 39A. Aiming a laser pointer at an aircraft**

22           “(a) Whoever knowingly aims the beam of a laser  
 23 pointer at an aircraft in the special aircraft jurisdiction  
 24 of the United States, or at the flight path of such an air-

1 *craft, shall be fined under this title or imprisoned not more*  
2 *than 5 years, or both.*

3       “(b) *As used in this section, the term ‘laser pointer’*  
4 *means any device designed or used to amplify electro-*  
5 *magnetic radiation by stimulated emission that emits a*  
6 *beam designed to be used by the operator as a pointer or*  
7 *highlighter to indicate, mark, or identify a specific position,*  
8 *place, item, or object.*

9       “(c) *This section does not prohibit aiming a beam of*  
10 *a laser pointer at an aircraft, or the flight path of such*  
11 *an aircraft, by—*

12               “(1) *an authorized individual in the conduct of*  
13 *research and development or flight test operations*  
14 *conducted by an aircraft manufacturer, the Federal*  
15 *Aviation Administration, or any other person author-*  
16 *ized by the Federal Aviation Administration to con-*  
17 *duct such research and development or flight test op-*  
18 *erations;*

19               “(2) *members or elements of the Department of*  
20 *Defense or Department of Homeland Security acting*  
21 *in an official capacity for the purpose of research, de-*  
22 *velopment, operations, testing or training; or*

23               “(3) *by an individual using a laser emergency*  
24 *signaling device to send an emergency distress signal.*

1       “(d) *The Attorney General, in consultation with the*  
 2 *Secretary of Transportation, may provide by regulation,*  
 3 *after public notice and comment, such additional exceptions*  
 4 *to this section, as may be necessary and appropriate. The*  
 5 *Attorney General shall provide written notification of any*  
 6 *proposed regulations under this section to the Committees*  
 7 *on the Judiciary of the Senate and the House of Representa-*  
 8 *tives, the Committee on Commerce, Science and Transpor-*  
 9 *tation of the Senate, and the Committee on Transportation*  
 10 *and Infrastructure of the House of Representatives, not less*  
 11 *than 90 days before such regulations become final.”.*

12       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 13 *the beginning of chapter 2 of title 18, United States Code,*  
 14 *is amended by inserting after the item relating to section*  
 15 *39 the following new item:*

“39A. *Aiming a laser pointer at an aircraft.”.*

16 **SEC. 734. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**  
 17 **CORDING OR DISTRIBUTION OF SECURITY**  
 18 **SCREENING IMAGES.**

19       (a) *IN GENERAL.—Part I of title 18, United States*  
 20 *Code, is amended by adding at the end the following:*

21 **“CHAPTER 124—UNAUTHORIZED RECORD-**  
 22 **ING AND DISTRIBUTION OF SECURITY**  
 23 **SCREENING IMAGES**

“Sec.

“2731. *Criminal penalty for unauthorized recording and distribution of security screening images.*



1 **“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**  
2 **CORDING AND DISTRIBUTION OF SECURITY**  
3 **SCREENING IMAGES.**

4 “(a) *IN GENERAL.*—*Except as specifically provided in*  
5 *subsection (b), it shall be unlawful for an individual—*

6 “(1) *to photograph or otherwise record an image*  
7 *produced using advanced imaging technology during*  
8 *the screening of an individual at an airport, or upon*  
9 *entry into any building owned or operated by the*  
10 *Federal Government, without express authorization*  
11 *pursuant to a Federal law or regulation; or*

12 “(2) *to knowingly distribute any such image to*  
13 *any individual who is not authorized pursuant to a*  
14 *Federal law or regulation to receive the image.*

15 “(b) *EXCEPTION.*—*The prohibition under subsection*  
16 *(a) shall not apply to an individual who, while engaged*  
17 *in or on account of the performance of official duties, dis-*  
18 *tributes, photographs, or otherwise records an image de-*  
19 *scribed in subsection (a) during the course of authorized*  
20 *intelligence activities, a Federal, State, or local criminal*  
21 *investigation or prosecution, or other lawful activities by*  
22 *Federal, State, or local authorities, including training for*  
23 *intelligence or law enforcement purposes.*

24 “(c) *PENALTY.*—*An individual who violates the prohi-*  
25 *bition in subsection (a) shall be fined under this title, im-*  
26 *prisoned for not more than 1 year, or both.*

1       “(d) *ADVANCED IMAGING TECHNOLOGY DEFINED.*—In  
2 *this section, the term ‘advanced imaging technology’—*

3               “(1) *means a device that creates a visual image*  
4 *of an individual showing the surface of the skin be-*  
5 *neath clothing and revealing other objects on the body*  
6 *that are covered by clothing;*

7               “(2) *may include devices using backscatter x-*  
8 *rays or millimeter waves and devices referred to as*  
9 *‘whole-body imaging technology’ or ‘body scanning’;*  
10 *and*

11              “(3) *does not include a device equipped with*  
12 *software that produces a generic representation of the*  
13 *human form instead of a visual image of an indi-*  
14 *vidual.”.*

15       “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
16 *table of chapters for part I of title 18, United States Code,*  
17 *is amended by inserting after the item relating to chapter*  
18 *123 the following:*

“124. *Unauthorized recording and distribution of security screening im-*  
*ages* ..... 2731”.

19       **SEC. 735. APPROVAL OF APPLICATIONS FOR THE SECURITY**  
20               **SCREENING OPT-OUT PROGRAM.**

21       *Section 44920(b) of title 49, United States Code, is*  
22 *amended to read as follows:*

23       “(b) *APPROVAL OF APPLICATIONS.*—

1           “(1) *IN GENERAL.*—Not later than 30 days after  
2           receiving an application submitted under subsection  
3           (a), the Under Secretary may approve the applica-  
4           tion.

5           “(2) *RECONSIDERATION OF REJECTED APPLICA-*  
6           *TIONS.*—Not later than 30 days after the date of the  
7           enactment of the FAA Air Transportation Moderniza-  
8           tion and Safety Improvement Act, the Under Sec-  
9           retary shall reconsider and approve any application  
10          to have the screening of passengers and property at  
11          an airport carried out by the screening personnel of  
12          a qualified private screening company that was sub-  
13          mitted under subsection (a) and was pending on any  
14          day between January 1, 2011, and February 3, 2011,  
15          if Under Secretary determines that the application  
16          demonstrates that having the screening of passengers  
17          and property carried out by such screening personnel  
18          will provide security that is equal to or greater than  
19          the level that would be provided by Federal Govern-  
20          ment personnel.

21          “(3) *REPORT.*—If the Under Secretary denies an  
22          application submitted under subsection (a), the Under  
23          Secretary shall submit to the Committee on Com-  
24          merce, Science, and Transportation of the Senate and  
25          the Committee on Transportation and Infrastructure

1       of the House of Representatives a report that describes  
2       the reason for the denial of the application.”.

3   **SEC. 736. CONVEYANCE OF LAND TO CITY OF MESQUITE,**  
4                   **NEVADA.**

5       (a) *DEFINITIONS.*—

6           (1) *CITY.*—The term “city” means the city of  
7       Mesquite, Nevada.

8           (2) *MAP.*—The term “map” means the map enti-  
9       tled “Mesquite Airport Conveyance” and dated Feb-  
10      ruary 6, 2011.

11          (3) *SECRETARY.*—The term “Secretary” means  
12      the Secretary of the Interior, acting through the Bu-  
13      reau of Land Management.

14      (b) *CONVEYANCE OF LAND TO CITY.*—

15          (1) *IN GENERAL.*—As soon as practicable after  
16      the date of enactment of this Act, subject to valid ex-  
17      isting rights, and notwithstanding the land use plan-  
18      ning requirements of sections 202 and 203 of the Fed-  
19      eral Land Policy and Management Act of 1976 (43  
20      U.S.C. 1712, 1713), the Secretary shall convey to the  
21      city, without consideration, all right, title, and inter-  
22      est of the United States in and to the land described  
23      in paragraph (2).

24          (2) *DESCRIPTION OF LAND.*—The land referred  
25      to in paragraph (1) consists of land managed by the

1 *Bureau of Land Management described on the map as*  
2 *“Remnant Parcel”.*

3 (3) *MAP AND LEGAL DESCRIPTION.*—

4 (A) *IN GENERAL.*—*As soon as practicable*  
5 *after the date of enactment of this Act, the Sec-*  
6 *retary shall finalize the legal description of the*  
7 *parcel to be conveyed under this section.*

8 (B) *MINOR ERRORS.*—*The Secretary may*  
9 *correct any minor error in—*

10 (i) *the map; or*

11 (ii) *the legal description.*

12 (C) *AVAILABILITY.*—*The map and legal de-*  
13 *scription shall be on file and available for public*  
14 *inspection in the appropriate offices of the Bu-*  
15 *reau of Land Management.*

16 (4) *COSTS.*—*The Secretary shall require the city*  
17 *to pay all costs necessary for the preparation and*  
18 *completion of any patents for, and transfers of title*  
19 *to, the land described in paragraph (2).*

20 (5) *WITHDRAWAL.*—*Subject to valid existing*  
21 *rights, until the date of the conveyance under para-*  
22 *graph (1), the parcel of public land described in para-*  
23 *graph (2) is withdrawn from—*

24 (A) *location, entry, and patent under the*  
25 *public land mining laws; and*

1           (B) operation of the mineral leasing, geo-  
2           thermal leasing, and mineral materials laws.

3           (6) *REVERSION.*—If the land conveyed under  
4           paragraph (1) ceases to be used by the city for the  
5           purposes described in section 3(f) of Public Law 99–  
6           548 (100 Stat. 3061), the land shall, at the discretion  
7           of the Secretary, revert to the United States.

8   **SEC. 737. RONALD REAGAN WASHINGTON NATIONAL AIR-**  
9           **PORT SLOTS.**

10          (a) *INCREASE IN NUMBER OF SLOT EXEMPTIONS.*—  
11          Section 41718 is amended by adding at the end thereof the  
12          following:

13               “(g) *ADDITIONAL SLOTS.*—

14                       “(1) *INITIAL INCREASE IN EXEMPTIONS.*—Within  
15                       95 days after the date of enactment of the FAA Air  
16                       Transportation Modernization and Safety Improve-  
17                       ment Act, the Secretary shall grant, by order, 24 slot  
18                       exemptions from the application of sections  
19                       49104(a)(5), 49109, 49111(e), and 41714 of this title  
20                       to air carriers to operate limited frequencies and air-  
21                       craft on routes between Ronald Reagan Washington  
22                       National Airport and airports located beyond the pe-  
23                       rimeter described in section 49109 or, as provided in  
24                       paragraph (2)(C), airports located within that perim-  
25                       eter, and exemptions from the requirements of sub-

1        *parts K and S of part 93, Code of Federal Regula-*  
2        *tions, if the Secretary finds that the exemptions*  
3        *will—*

4                *“(A) provide air transportation with do-*  
5                *mestic network benefits in areas beyond the pe-*  
6                *rimeter described in section 49109;*

7                *“(B) increase competition in multiple mar-*  
8                *kets;*

9                *“(C) not reduce travel options for commu-*  
10               *nities served by small hub airports and medium*  
11               *hub airports within the perimeter described in*  
12               *section 49109;*

13               *“(D) not result in meaningfully increased*  
14               *travel delays;*

15               *“(E) enhance options for nonstop travel to*  
16               *and from the beyond-perimeter airports that will*  
17               *be served as a result of those exemptions;*

18               *“(F) have a positive impact on the overall*  
19               *level of competition in the markets that will be*  
20               *served as a result of those exemptions; and*

21               *“(G) produce public benefits, including the*  
22               *likelihood that the service to airports located be-*  
23               *yond the perimeter described in section 49109*  
24               *will result in lower fares, higher capacity, and*  
25               *a variety of service options.*

1           “(2) *NEW ENTRANTS AND LIMITED INCUM-*  
2           *BENTS.*—Of the exemptions made available under  
3           *paragraph (1), the Secretary shall make 10 available*  
4           *to limited incumbent air carriers or new entrant air*  
5           *carriers and 14 available to other incumbent air car-*  
6           *riers.*

7           “(3) *IMPROVED NETWORK SLOTS.*—If an incum-  
8           *bent air carrier (other than a limited incumbent air*  
9           *carrier) that uses a slot for service between Ronald*  
10          *Reagan Washington National Airport and a large*  
11          *hub airport located within the perimeter described in*  
12          *section 49109 is granted an additional exemption*  
13          *under this subsection, it shall, upon receiving the ad-*  
14          *ditional exemption, discontinue the use of that slot for*  
15          *such within-perimeter service and operate, in place of*  
16          *such service, service between Ronald Reagan Wash-*  
17          *ington National Airport and an airport located be-*  
18          *yond the perimeter described in section 49109. The*  
19          *Secretary may not grant more than 2 slot exemptions*  
20          *under paragraph (1) to an air carrier with respect to*  
21          *the same airport, except in the case of an airport*  
22          *serving a metropolitan area with a population of*  
23          *more than 1 million persons.*

24          “(4) *CONDITIONS.*—*Beyond-perimeter flight op-*  
25          *erations carried out by an air carrier using an ex-*



1       *emption granted under this subsection shall be subject*  
2       *to the following conditions:*

3               “(A) *An air carrier may not operate a*  
4               *multi-aisle or widebody aircraft in conducting*  
5               *such operations.*

6               “(B) *An air carrier granted an exemption*  
7               *under this subsection is prohibited from selling,*  
8               *trading, leasing, or otherwise transferring the*  
9               *rights to its beyond-perimeter exemptions, except*  
10              *through an air carrier merger or acquisition.*

11              “(5) *OPERATIONS DEADLINE.—An air carrier*  
12              *granted a slot exemption under this subsection shall*  
13              *commence operations using that slot within 60 days*  
14              *after the date on which the exemption was granted.*

15              “(6) *IMPACT STUDY.—Within 17 months after*  
16              *granting the additional exemptions authorized by*  
17              *paragraph (1) the Secretary shall complete a study of*  
18              *the direct effects of the additional exemptions, includ-*  
19              *ing the extent to which the additional exemptions*  
20              *have—*

21                      “(A) *caused congestion problems at the air-*  
22                      *port;*

23                      “(B) *had a negative effect on the financial*  
24                      *condition of the Metropolitan Washington Air-*  
25                      *ports Authority;*

1           “(C) *affected the environment in the area*  
2           *surrounding the airport; and*

3           “(D) *resulted in meaningful loss of service*  
4           *to small and medium markets within the perim-*  
5           *eter described in section 49109.*

6           “(7) *ADDITIONAL EXEMPTIONS.—*

7           “(A) *DETERMINATION.—The Secretary shall*  
8           *determine, on the basis of the study required by*  
9           *paragraph (6), whether—*

10           “(i) *the additional exemptions author-*  
11           *ized by paragraph (1) have had a substan-*  
12           *tial negative effect on Ronald Reagan*  
13           *Washington National Airport, Washington*  
14           *Dulles International Airport, or Baltimore/*  
15           *Washington Thurgood Marshall Inter-*  
16           *national Airport; and*

17           “(ii) *the granting of additional exemp-*  
18           *tions under this paragraph may, or may*  
19           *not, reasonably be expected to have a sub-*  
20           *stantial negative effect on any of those air-*  
21           *ports.*

22           “(B) *AUTHORITY TO GRANT ADDITIONAL*  
23           *EXEMPTIONS.—Beginning 6 months after the*  
24           *date on which the impact study is concluded, the*  
25           *Secretary may grant up to 8 slot exemptions to*

1        *incumbent air carriers, in addition to those*  
2        *granted under paragraph (1) of this subsection,*  
3        *if the Secretary determines that—*

4                *“(i) the additional exemptions author-*  
5                *ized by paragraph (1) have not had a sub-*  
6                *stantial negative effect on any of those air-*  
7                *ports; and*

8                *“(ii) the granting of additional exemp-*  
9                *tions under this subparagraph may not rea-*  
10               *sonably be expected to have a negative effect*  
11               *on any of those airports.*

12               *“(C) IMPROVED NETWORK SLOTS.—If an*  
13               *incumbent air carrier (other than a limited in-*  
14               *cumbent air carrier) that uses a slot for service*  
15               *between Ronald Reagan Washington National*  
16               *Airport and a large hub airport located within*  
17               *the perimeter described in section 49109 is*  
18               *granted an additional exemption under subpara-*  
19               *graph (B), it shall, upon receiving the additional*  
20               *exemption, discontinue the use of that slot for*  
21               *such within-perimeter service and operate, in*  
22               *place of such service, service between Ronald*  
23               *Reagan Washington National Airport and an*  
24               *airport located beyond the perimeter described in*  
25               *section 49109.*

1           “(D) *CONDITIONS.—Beyond-perimeter flight*  
2           *operations carried out by an air carrier using*  
3           *an exemption granted under subparagraph (B)*  
4           *shall be subject to the following conditions:*

5                     “(i) *An air carrier may not operate a*  
6                     *multi-aisle or widebody aircraft in con-*  
7                     *ducting such operations.*

8                     “(ii) *An air carrier granted an exemp-*  
9                     *tion under this subsection is prohibited*  
10                    *from selling, trading, leasing, or otherwise*  
11                    *transferring the rights to its beyond-perim-*  
12                    *eter exemptions, except through an air car-*  
13                    *rier merger or acquisition.*

14           “(E) *ADDITIONAL EXEMPTIONS NOT PER-*  
15           *MITTED.—The Secretary may not grant exemp-*  
16           *tions in addition to those authorized by para-*  
17           *graph (1) if the Secretary determines that—*

18                     “(i) *the additional exemptions author-*  
19                     *ized by paragraph (1) have had a substan-*  
20                     *tial negative effect on any of those airports;*  
21                     *or*

22                     “(ii) *the granting of additional exemp-*  
23                     *tions under subparagraph (B) of this para-*  
24                     *graph may reasonably be expected to have a*

1                   substantial negative effect on 1 or more of  
2                   those airports.

3           “(h) *SCHEDULING PRIORITY*.—In administering this  
4 section, the Secretary—

5                   “(1) shall afford a scheduling priority to oper-  
6 ations conducted by new entrant air carriers and  
7 limited incumbent air carriers over operations con-  
8 ducted by other air carriers granted additional slot  
9 exemptions under subsection (g) for service to airports  
10 located beyond the perimeter described in section  
11 49109; and

12                   “(2) shall afford a scheduling priority to slots  
13 currently held by limited incumbent air carriers for  
14 service to airports located beyond the perimeter de-  
15 scribed in section 49109, to the extent necessary to  
16 protect viability of such service.”.

17           “(b) *HOURLY LIMITATION*.—Section 41718(c)(2) is  
18 amended—

19                   (1) by striking “3 operations” and inserting “4  
20 operations”; and

21                   (2) by striking “subsections (a) and (b)” and in-  
22 serting “under this section”.

23           “(c) *LIMITED INCUMBENT DEFINITION*.—Section  
24 41714(h)(5) is amended—

1           (1) *by inserting “not” after “shall” in subpara-*  
 2     *graph (B);*

3           (2) *by striking “and” after the semicolon in sub-*  
 4     *paragraph (B);*

5           (3) *by striking “Administration.” in subpara-*  
 6     *graph (C) and inserting “Administration; and”; and*

7           (4) *by adding at the end the following:*

8                     *“(D) for purposes of section 41718, an air*  
 9                     *carrier that holds only slot exemptions”.*

10       (d) *REVENUES AND FEES AT THE METROPOLITAN*  
 11     *WASHINGTON AIRPORTS.—Section 49104(a) is amended by*  
 12     *striking paragraph (9) and inserting the following:*

13                     *“(9) Notwithstanding any other provision of law,*  
 14                     *revenues derived at either of the Metropolitan Wash-*  
 15                     *ington Airports, regardless of source, may be used for*  
 16                     *operating and capital expenses (including debt serv-*  
 17                     *ice, depreciation and amortization) at the other air-*  
 18                     *port.”.*

19     **SEC. 738. ORPHAN EARMARKS ACT.**

20       (a) *SHORT TITLE.—This section may be cited as the*  
 21     *“Orphan Earmarks Act”.*

22       (b) *UNUSED EARMARKS.—*

23           (1) *DEFINITION.—In this subsection, the term*  
 24     *“earmark” means the following:*

1           (A) A congressionally directed spending  
2           item, as defined in Rule XLIV of the Standing  
3           Rules of the Senate.

4           (B) A congressional earmark, as defined for  
5           purposes of Rule XXI of the Rules of the House  
6           of Representatives.

7           (2) *RESCISSION*.—Any earmark of funds pro-  
8           vided for any Federal agency with more than 90 per-  
9           cent of the appropriated amount remaining available  
10          for obligation at the end of the 9th fiscal year fol-  
11          lowing the fiscal year in which the earmark was  
12          made available is rescinded effective at the end of that  
13          9th fiscal year, except that the agency head may delay  
14          any such rescission if the agency head determines that  
15          an additional obligation of the earmark is likely to  
16          occur during the following 12-month period.

17          (3) *IDENTIFICATION AND REPORT*.—

18               (A) *AGENCY IDENTIFICATION*.—Each Fed-  
19               eral agency shall identify and report every  
20               project that is an earmark with an unobligated  
21               balance at the end of each fiscal year to the Di-  
22               rector of OMB.

23               (B) *ANNUAL REPORT*.—The Director of  
24               OMB shall submit to Congress and publically

1 *post on the website of OMB an annual report*  
 2 *that includes—*

3 *(i) a listing and accounting for ear-*  
 4 *marks with unobligated balances summa-*  
 5 *rized by agency including the amount of the*  
 6 *original earmark, amount of the unobli-*  
 7 *gated balance, and the year when the fund-*  
 8 *ing expires, if applicable;*

9 *(ii) the number of rescissions resulting*  
 10 *from this section and the annual savings re-*  
 11 *sulting from this section for the previous fis-*  
 12 *cal year; and*

13 *(iii) a listing and accounting for ear-*  
 14 *marks provided for Federal agencies sched-*  
 15 *uled to be rescinded at the end of the cur-*  
 16 *rent fiscal year.*

17 **SEC. 739. PRIVACY PROTECTIONS FOR AIRCRAFT PAS-**  
 18 **SENGER SCREENING WITH ADVANCED IMAG-**  
 19 **ING TECHNOLOGY.**

20 *(a) IN GENERAL.—Section 44901 is amended by add-*  
 21 *ing at the end the following:*

22 *“(l) LIMITATIONS ON USE OF ADVANCED IMAGING*  
 23 *TECHNOLOGY FOR SCREENING PASSENGERS.—*

24 *“(1) IN GENERAL.—The Assistant Secretary of*  
 25 *Homeland Security (Transportation Security Admin-*



1        *istration) shall ensure that advanced imaging tech-*  
 2        *nology is used for the screening of passengers under*  
 3        *this section only in accordance with this subsection.*

4            “(2) *IMPLEMENTATION OF AUTOMATED TARGET*  
 5        *RECOGNITION SOFTWARE.—Beginning January 1,*  
 6        *2012, all advanced imaging technology used as a pri-*  
 7        *mary screening method for passengers shall be*  
 8        *equipped with automatic target recognition software.*

9            “(3) *DEFINITIONS.—In this subsection:*

10           “(A) *ADVANCED IMAGING TECHNOLOGY.—*  
 11        *The term ‘advanced imaging technology’—*

12           “(i) *means a device that creates a vis-*  
 13        *ual image of an individual showing the sur-*  
 14        *face of the skin beneath clothing and reveal-*  
 15        *ing other objects on the body that are cov-*  
 16        *ered by the clothing; and*

17           “(ii) *includes devices using backscatter*  
 18        *x-rays or millimeter waves and devices re-*  
 19        *ferred to as ‘whole-body imaging technology’*  
 20        *or ‘body scanning’.*

21           “(B) *AUTOMATIC TARGET RECOGNITION*  
 22        *SOFTWARE.—The term ‘automatic target recogni-*  
 23        *tion software’ means software installed on an ad-*  
 24        *vanced imaging technology machine that pro-*  
 25        *duces a generic image of the individual being*

1        *screened that is the same as the images produced*  
2        *for all other screened individuals.*

3            *“(C) PRIMARY SCREENING.—The term ‘pri-*  
4        *mary screening’ means the initial examination*  
5        *of any passenger at an airport checkpoint, in-*  
6        *cluding using available screening technologies to*  
7        *detect weapons, explosives, narcotics, or other in-*  
8        *dications of unlawful action, in order to deter-*  
9        *mine whether to clear the passenger to board an*  
10       *aircraft or to further examine the passenger.”.*

11       *(b) REPORT.—*

12            *(1) IN GENERAL.—Not later than March 1, 2012,*  
13        *the Assistant Secretary of Homeland Security (Trans-*  
14        *portation Security Administration) shall submit to*  
15        *the appropriate congressional committees a report on*  
16        *the implementation of section 44901(l) of title 49,*  
17        *United States Code, as added by subsection (a).*

18            *(2) ELEMENTS.—The report required by para-*  
19        *graph (1) shall include the following:*

20            *(A) A description of all matters the Assist-*  
21        *ant Secretary considers relevant to the imple-*  
22        *mentation of such section.*

23            *(B) The status of the compliance of the*  
24        *Transportation Security Administration with*  
25        *the provisions of such section.*

1           (C) *If the Administration is not in full*  
 2           *compliance with such provisions—*

3                   (i) *the reasons for such non-compli-*  
 4                   *ance; and*

5                   (ii) *a timeline depicting when the As-*  
 6                   *stant Secretary expects the Administra-*  
 7                   *tion to achieve full compliance.*

8           (3) *SECURITY CLASSIFICATION.—The report re-*  
 9           *quired by paragraph (1) shall be submitted, to the*  
 10           *greatest extent practicable, in an unclassified format,*  
 11           *with a classified annex, if necessary.*

12           (4) *APPROPRIATE CONGRESSIONAL COMMITTEES*  
 13           *DEFINED.—In this subsection, the term “appropriate*  
 14           *congressional committees” means—*

15                   (A) *the Committee on Commerce, Science,*  
 16                   *and Transportation and Committee on Home-*  
 17                   *land Security and Governmental Affairs of the*  
 18                   *Senate; and*

19                   (B) *the Committee on Homeland Security of*  
 20                   *the House of Representatives.*

21   **SEC. 740. CONTROLLING HELICOPTER NOISE POLLUTION**  
 22           **IN RESIDENTIAL AREAS.**

23           *Section 44715 is amended by adding at the end the*  
 24           *following:*

1       “(g) *CONTROLLING HELICOPTER NOISE POLLUTION IN*  
2 *RESIDENTIAL AREAS.*—

3               “(1) *IN GENERAL.*—*Notwithstanding section*  
4 *47502, not later than the date that is 1 year and 90*  
5 *days after the date of the enactment of the FAA Air*  
6 *Transportation Modernization and Safety Improve-*  
7 *ment Act, the Administrator of the Federal Aviation*  
8 *Administration shall prescribe—*

9                       “(A) *standards to measure helicopter noise;*  
10                      *and*

11                     “(B) *regulations to control helicopter noise*  
12 *pollution in residential areas.*

13               “(2) *RULEMAKING WITH RESPECT TO REDUCING*  
14 *HELICOPTER NOISE POLLUTION IN NASSAU AND SUFF-*  
15 *FOLK COUNTIES IN NEW YORK STATE.*—

16                     “(A) *IN GENERAL.*—*Not later than 1 year*  
17 *after the date of the enactment of the FAA Air*  
18 *Transportation Modernization and Safety Im-*  
19 *provement Act, and before finalizing the regula-*  
20 *tions required by paragraph (1), the Adminis-*  
21 *trator shall prescribe regulations with respect to*  
22 *helicopters operating in the counties of Nassau*  
23 *and Suffolk in the State of New York that in-*  
24 *clude—*

1                   “(i) requirements with respect to the  
2                   flight paths and altitudes of helicopters fly-  
3                   ing over those counties to reduce helicopter  
4                   noise pollution; and

5                   “(ii) penalties for failing to comply  
6                   with the requirements described in clause  
7                   (i).

8                   “(B) *APPLICABILITY OF CERTAIN RULE-*  
9                   *MAKING PROCEDURES.*—The requirements of Ex-  
10                  ecutive Order 12866 (58 Fed. Reg. 51735; relat-  
11                  ing to regulatory planning and review) (or any  
12                  successor thereto) shall not apply to regulations  
13                  prescribed under subparagraph (A).

14                  “(3) *EXCEPTIONS FOR EMERGENCY, LAW EN-*  
15                  *FORCEMENT, AND MILITARY HELICOPTERS.*—In pre-  
16                  scribing standards and regulations under paragraphs  
17                  (1) and (2), the Administrator may provide for excep-  
18                  tions to any requirements with respect to reducing  
19                  helicopter noise pollution in residential areas for heli-  
20                  copter activity related to emergency, law enforcement,  
21                  or military activities.”.

1 **TITLE VIII—AIRPORT AND AIR-**  
 2 **WAY TRUST FUND PROVI-**  
 3 **SIONS AND RELATED TAXES**

4 **SEC. 800. AMENDMENT OF 1986 CODE.**

5 *Except as otherwise expressly provided, whenever in*  
 6 *this title an amendment or repeal is expressed in terms of*  
 7 *an amendment to, or repeal of, a section or other provision,*  
 8 *the reference shall be considered to be made to a section or*  
 9 *other provision of the Internal Revenue Code of 1986.*

10 **SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND**  
 11 **AIRWAY TRUST FUND.**

12 (a) *FUEL TAXES.*—Subparagraph (B) of section  
 13 4081(d)(2) is amended by striking “March 31, 2011” and  
 14 inserting “September 30, 2013”.

15 (b) *TICKET TAXES.*—

16 (1) *PERSONS.*—Clause (ii) of section  
 17 4261(j)(1)(A) is amended by striking “March 31,  
 18 2011” and inserting “September 30, 2013”.

19 (2) *PROPERTY.*—Clause (ii) of section  
 20 4271(d)(1)(A) is amended by striking “March 31,  
 21 2011” and inserting “September 30, 2013”.

22 (c) *EFFECTIVE DATE.*—The amendments made by this  
 23 section shall take effect on April 1, 2011.

1 **SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST**  
2 **FUND EXPENDITURE AUTHORITY.**

3 (a) *IN GENERAL.*—Paragraph (1) of section 9502(d)  
4 *is amended—*

5 (1) *by striking “April 1, 2011” in the matter*  
6 *preceding subparagraph (A) and inserting “October*  
7 *1, 2013”, and*

8 (2) *by striking the semicolon at the end of sub-*  
9 *paragraph (A) and inserting “or the FAA Air Trans-*  
10 *portation Modernization and Safety Improvement*  
11 *Act;”.*

12 (b) *CONFORMING AMENDMENT.*—Paragraph (2) of sec-  
13 *tion 9502(e) is amended by striking “April 1, 2011” and*  
14 *inserting “October 1, 2013”.*

15 (c) *EFFECTIVE DATE.*—*The amendments made by this*  
16 *section shall take effect on April 1, 2011.*

17 **SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE**  
18 **USED IN AVIATION.**

19 (a) *RATE OF TAX ON AVIATION-GRADE KEROSENE.*—

20 (1) *IN GENERAL.*—Subparagraph (A) of section  
21 4081(a)(2) *is amended by striking “and” at the end*  
22 *of clause (ii), by striking the period at the end of*  
23 *clause (iii) and inserting “, and”, and by adding at*  
24 *the end the following new clause:*

25 “(iv) *in the case of aviation-grade ker-*  
26 *osene, 35.9 cents per gallon.”.*

1           (2) *FUEL REMOVED DIRECTLY INTO FUEL TANK*  
 2           *OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.*—  
 3           *Subparagraph (C) of section 4081(a)(2) is amended*  
 4           *to read as follows:*

5                   “(C) *TAXES IMPOSED ON FUEL USED IN*  
 6                   *COMMERCIAL AVIATION.*—*In the case of aviation-*  
 7                   *grade kerosene which is removed from any refin-*  
 8                   *ery or terminal directly into the fuel tank of an*  
 9                   *aircraft for use in commercial aviation by a per-*  
 10                   *son registered for such use under section 4101,*  
 11                   *the rate of tax under subparagraph (A)(iv) shall*  
 12                   *be 4.3 cents per gallon.”.*

13           (3) *EXEMPTION FOR AVIATION-GRADE KEROSENE*  
 14           *REMOVED INTO AN AIRCRAFT.*—*Subsection (e) of sec-*  
 15           *tion 4082 is amended—*

16                   (A) *by striking “kerosene” and inserting*  
 17                   *“aviation-grade kerosene”,*

18                   (B) *by striking “section 4081(a)(2)(A)(iii)”*  
 19                   *and inserting “section 4081(a)(2)(A)(iv)”, and*

20                   (C) *by striking “KEROSENE” in the heading*  
 21                   *and inserting “AVIATION-GRADE KEROSENE”.*

22           (4) *CONFORMING AMENDMENTS.*—

23                   (A) *Clause (iii) of section 4081(a)(2)(A) is*  
 24                   *amended by inserting “other than aviation-grade*  
 25                   *kerosene” after “kerosene”.*



1           (B) *The following provisions are each*  
 2           *amended by striking “kerosene” and inserting*  
 3           *“aviation-grade kerosene”:*

4                     (i) *Section 4081(a)(3)(A)(ii).*

5                     (ii) *Section 4081(a)(3)(A)(iv).*

6                     (iii) *Section 4081(a)(3)(D).*

7           (C) *Subparagraph (D) of section 4081(a)(3)*  
 8           *is amended—*

9                     (i) *by striking “paragraph (2)(C)(i)”*  
 10           *in clause (i) and inserting “paragraph*  
 11           *(2)(C)”, and*

12                    (ii) *by striking “paragraph (2)(C)(ii)”*  
 13           *in clause (ii) and inserting “paragraph*  
 14           *(2)(A)(iv)”.*

15           (D) *Paragraph (4) of section 4081(a) is*  
 16           *amended—*

17                    (i) *by striking “KEROSENE” in the*  
 18           *heading and inserting “AVIATION-GRADE*  
 19           *KEROSENE”, and*

20                    (ii) *by striking “paragraph (2)(C)(i)”*  
 21           *and inserting “paragraph (2)(C)”.*

22           (E) *Paragraph (2) of section 4081(d) is*  
 23           *amended by striking “(a)(2)(C)(ii)” and insert-*  
 24           *ing “(a)(2)(A)(iv)”.*

25           (b) *RETAIL TAX ON AVIATION FUEL.—*

1           (1) *EXEMPTION FOR PREVIOUSLY TAXED*  
 2           *FUEL.*—Paragraph (2) of section 4041(c) is amended  
 3           by inserting “at the rate specified in subsection  
 4           (a)(2)(A)(iv) thereof” after “section 4081”.

5           (2) *RATE OF TAX.*—Paragraph (3) of section  
 6           4041(c) is amended to read as follows:

7           “(3) *RATE OF TAX.*—The rate of tax imposed by  
 8           this subsection shall be the rate of tax in effect under  
 9           section 4081(a)(2)(A)(iv) (4.3 cents per gallon with  
 10          respect to any sale or use for commercial aviation).”.

11          (c) *REFUNDS RELATING TO AVIATION-GRADE KER-*  
 12          *ROSENE.*—

13          (1) *AVIATION-GRADE KEROSENE USED IN COM-*  
 14          *MERCIAL AVIATION.*—Clause (ii) of section  
 15          6427(l)(4)(A) is amended by striking “specified in  
 16          section 4041(c) or 4081(a)(2)(A)(iii), as the case may  
 17          be,” and inserting “so imposed”.

18          (2) *KEROSENE USED IN AVIATION.*—Paragraph  
 19          (4) of section 6427(l) is amended by striking subpara-  
 20          graphs (B) and (C) and inserting the following new  
 21          subparagraph:

22                 “(B) *PAYMENTS TO ULTIMATE, REGISTERED*  
 23                 *VENDOR.*—With respect to any kerosene used in  
 24                 aviation (other than kerosene to which para-  
 25                 graph (6) applies), if the ultimate purchaser of

1        *such kerosene waives (at such time and in such*  
 2        *form and manner as the Secretary shall pre-*  
 3        *scribe) the right to payment under paragraph*  
 4        *(1) and assigns such right to the ultimate ven-*  
 5        *дор, then the Secretary shall pay (without inter-*  
 6        *est) the amount which would be paid under*  
 7        *paragraph (1) to such ultimate vendor, but only*  
 8        *if such ultimate vendor—*

9                *“(i) is registered under section 4101,*

10              *and*

11              *“(ii) meets the requirements of sub-*  
 12              *paragraph (A), (B), or (D) of section*  
 13              *6416(a)(1).”.*

14        *(3) AVIATION-GRADE KEROSENE NOT USED IN*  
 15        *AVIATION.—Subsection (l) of section 6427 is amended*  
 16        *by redesignating paragraph (5) as paragraph (6) and*  
 17        *by inserting after paragraph (4) the following new*  
 18        *paragraph:*

19              *“(5) REFUNDS FOR AVIATION-GRADE KEROSENE*  
 20        *NOT USED IN AVIATION.—If tax has been imposed*  
 21        *under section 4081 at the rate specified in section*  
 22        *4081(a)(2)(A)(iv) and the fuel is used other than in*  
 23        *an aircraft, the Secretary shall pay (without interest)*  
 24        *to the ultimate purchaser of such fuel an amount*  
 25        *equal to the amount of tax imposed on such fuel re-*

duced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (l)(4)(C)(ii), and (l)(5)” and inserting “and (l)(6)”.

(C) Subsection (l) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(l) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting

1                   “*AVIATION-GRADE KEROSENE USED IN COM-*  
2                   *MERCIAL AVIATION*”, and

3                   *(ii) in subparagraph (A)—*

4                   *(I) by striking “kerosene” and in-*  
5                   *serting “aviation-grade kerosene”,*

6                   *(II) by striking “KEROSENE USED*  
7                   *IN COMMERCIAL AVIATION” in the*  
8                   *heading and inserting “IN GENERAL”.*

9           *(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST*  
10   *FUND.—*

11           *(1) IN GENERAL.—Subparagraph (C) of section*  
12           *9502(b)(1) is amended to read as follows:*

13                   *“(C) section 4081 with respect to aviation*  
14                   *gasoline and aviation-grade kerosene, and”.*

15           *(2) TRANSFERS ON ACCOUNT OF CERTAIN RE-*  
16           *FUNDS.—*

17                   *(A) IN GENERAL.—Subsection (d) of section*  
18                   *9502 is amended—*

19                   *(i) by striking “(other than subsection*  
20                   *(l)(4) thereof)” in paragraph (2), and*

21                   *(ii) by striking “(other than payments*  
22                   *made by reason of paragraph (4) of section*  
23                   *6427(l))” in paragraph (3).*

24                   *(B) CONFORMING AMENDMENTS.—*

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5),”.

(e) *EFFECTIVE DATE.*—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) *FLOOR STOCKS TAX.*—

(1) *IMPOSITION OF TAX.*—In the case of aviation-grade kerosene fuel which is held on April 1,

1       2011, by any person, there is hereby imposed a floor  
2       stocks tax on aviation-grade kerosene equal to—

3               (A) the tax which would have been imposed  
4       before such date on such kerosene had the amend-  
5       ments made by this section been in effect at all  
6       times before such date, reduced by

7               (B) the tax imposed before such date on  
8       such kerosene under section 4081 of the Internal  
9       Revenue Code of 1986, as in effect on such date.

10       (2) *LIABILITY FOR TAX AND METHOD OF PAY-*  
11       *MENT.*—

12               (A) *LIABILITY FOR TAX.*—A person holding  
13       aviation-grade kerosene on April 1, 2011, shall  
14       be liable for such tax.

15               (B) *TIME AND METHOD OF PAYMENT.*—The  
16       tax imposed by paragraph (1) shall be paid at  
17       such time and in such manner as the Secretary  
18       of the Treasury shall prescribe.

19       (3) *TRANSFER OF FLOOR STOCK TAX REVENUES*  
20       *TO TRUST FUNDS.*—For purposes of determining the  
21       amount transferred to the Airport and Airway Trust  
22       Fund, the tax imposed by this subsection shall be  
23       treated as imposed by section 4081(a)(2)(A)(iv) of the  
24       Internal Revenue Code of 1986.

1           (4) *DEFINITIONS.*—*For purposes of this sub-*  
2           *section—*

3                   (A) *AVIATION-GRADE KEROSENE.*—*The term*  
4                   *“aviation-grade kerosene” means aviation-grade*  
5                   *kerosene as such term is used within the mean-*  
6                   *ing of section 4081 of the Internal Revenue Code*  
7                   *of 1986.*

8                   (B) *HELD BY A PERSON.*—*Aviation-grade*  
9                   *kerosene shall be considered as held by a person*  
10                  *if title thereto has passed to such person (whether*  
11                  *or not delivery to the person has been made).*

12                  (C) *SECRETARY.*—*The term “Secretary”*  
13                  *means the Secretary of the Treasury or the Sec-*  
14                  *retary’s delegate.*

15           (5) *EXCEPTION FOR EXEMPT USES.*—*The tax*  
16           *imposed by paragraph (1) shall not apply to any*  
17           *aviation-grade kerosene held by any person exclu-*  
18           *sively for any use to the extent a credit or refund of*  
19           *the tax is allowable under the Internal Revenue Code*  
20           *of 1986 for such use.*

21           (6) *EXCEPTION FOR CERTAIN AMOUNTS OF AVIA-*  
22           *TION-GRADE KEROSENE.*—

23                   (A) *IN GENERAL.*—*No tax shall be imposed*  
24                   *by paragraph (1) on any aviation-grade kerosene*  
25                   *held on April 1, 2011, by any person if the ag-*



gregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) *EXEMPT AVIATION-GRADE KEROSENE.*—

For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) *CONTROLLED GROUPS.*—For purposes of this subsection—

(i) *CORPORATIONS.*—

(I) *IN GENERAL.*—All persons treated as a controlled group shall be treated as 1 person.

(II) *CONTROLLED GROUP.*—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50

1                   *percent” shall be substituted for the*  
 2                   *phrase “at least 80 percent” each place*  
 3                   *it appears in such subsection.*

4                   (ii)    NONINCORPORATED    PERSONS  
 5                   UNDER COMMON CONTROL.—*Under regula-*  
 6                   *tions prescribed by the Secretary, principles*  
 7                   *similar to the principles of subparagraph*  
 8                   *(A) shall apply to a group of persons under*  
 9                   *common control if 1 or more of such persons*  
 10                   *is not a corporation.*

11                  (7) OTHER LAWS APPLICABLE.—*All provisions of*  
 12                  *law, including penalties, applicable with respect to*  
 13                  *the taxes imposed by section 4081 of the Internal Rev-*  
 14                  *enue Code of 1986 on the aviation-grade kerosene in-*  
 15                  *volved shall, insofar as applicable and not incon-*  
 16                  *sistent with the provisions of this subsection, apply*  
 17                  *with respect to the floor stock taxes imposed by para-*  
 18                  *graph (1) to the same extent as if such taxes were im-*  
 19                  *posed by such section.*

20   **SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION**  
 21                   **ACCOUNT.**

22                  (a) IN GENERAL.—*Section 9502 is amended by adding*  
 23                  *at the end the following new subsection:*

24                  “(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYS-  
 25                  TEM MODERNIZATION ACCOUNT.—

1           “(1) *CREATION OF ACCOUNT.*—*There is estab-*  
2           *lished in the Airport and Airway Trust Fund a sepa-*  
3           *rate account to be known as the ‘Air Traffic Control*  
4           *System Modernization Account’ consisting of such*  
5           *amounts as may be transferred or credited to the Air*  
6           *Traffic Control System Modernization Account as*  
7           *provided in this subsection or section 9602(b).*

8           “(2) *TRANSFERS TO AIR TRAFFIC CONTROL SYS-*  
9           *TEM MODERNIZATION ACCOUNT.*—*On October 1, 2011,*  
10           *and annually thereafter the Secretary shall transfer*  
11           *\$400,000,000 to the Air Traffic Control System Mod-*  
12           *ernization Account from amounts appropriated to the*  
13           *Airport and Airway Trust Fund under subsection (b)*  
14           *which are attributable to taxes on aviation-grade ker-*  
15           *osene.*

16           “(3) *EXPENDITURES FROM ACCOUNT.*—*Amounts*  
17           *in the Air Traffic Control System Modernization Ac-*  
18           *count shall be available subject to appropriation for*  
19           *expenditures relating to the modernization of the air*  
20           *traffic control system (including facility and equip-*  
21           *ment account expenditures).’.*

22           “(b) *CONFORMING AMENDMENT.*—*Paragraph (1) of sec-*  
23           *tion 9502(d) is amended by striking “Amounts” and insert-*  
24           *ing “Except as provided in subsection (f), amounts”.*

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 2 *section shall take effect on the date of the enactment of this*  
 3 *Act.*

4 **SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**  
 5 **SHIP PROGRAMS.**

6       (a) *FUEL SURTAX.*—

7           (1) *IN GENERAL.*—*Subchapter B of chapter 31 is*  
 8 *amended by adding at the end the following new sec-*  
 9 *tion:*

10 **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**  
 11 **A FRACTIONAL OWNERSHIP PROGRAM.**

12       “(a) *IN GENERAL.*—*There is hereby imposed a tax on*  
 13 *any liquid used during any calendar quarter by any person*  
 14 *as a fuel in an aircraft which is—*

15           “(1) *registered in the United States, and*

16           “(2) *part of a fractional ownership aircraft pro-*  
 17 *gram.*

18       “(b) *AMOUNT OF TAX.*—*The rate of tax imposed by*  
 19 *subsection (a) is 14.1 cents per gallon.*

20       “(c) *FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.*—  
 21 *For purposes of this section—*

22           “(1) *IN GENERAL.*—*The term ‘fractional owner-*  
 23 *ship aircraft program’ means a program under*  
 24 *which—*

1           “(A) a single fractional ownership program  
2           manager provides fractional ownership program  
3           management services on behalf of the fractional  
4           owners,

5           “(B) 2 or more airworthy aircraft are part  
6           of the program,

7           “(C) there are 1 or more fractional owners  
8           per program aircraft, with at least 1 program  
9           aircraft having more than 1 owner,

10          “(D) each fractional owner possesses at least  
11          a minimum fractional ownership interest in 1 or  
12          more program aircraft,

13          “(E) there exists a dry-lease aircraft ex-  
14          change arrangement among all of the fractional  
15          owners, and

16          “(F) there are multi-year program agree-  
17          ments covering the fractional ownership, frac-  
18          tional ownership program management services,  
19          and dry-lease aircraft exchange aspects of the  
20          program.

21          “(2) *MINIMUM FRACTIONAL OWNERSHIP INTER-*  
22          *EST.—*

23                 “(A) *IN GENERAL.—*The term ‘minimum  
24                 fractional ownership interest’ means, with re-  
25                 spect to each type of aircraft—

1                   “(i) a fractional ownership interest  
 2                   equal to or greater than  $\frac{1}{16}$  of at least 1  
 3                   subsonic, fixed wing or powered lift pro-  
 4                   gram aircraft, or

5                   “(ii) a fractional ownership interest  
 6                   equal to or greater than  $\frac{1}{32}$  of a least 1  
 7                   rotorcraft program aircraft.

8                   “(B) FRACTIONAL OWNERSHIP INTEREST.—  
 9                   The term ‘fractional ownership interest’ means—

10                   “(i) the ownership of an interest in a  
 11                   program aircraft,

12                   “(ii) the holding of a multi-year lease-  
 13                   hold interest in a program aircraft, or

14                   “(iii) the holding of a multi-year lease-  
 15                   hold interest which is convertible into an  
 16                   ownership interest in a program aircraft.

17                   “(3) DRY-LEASE AIRCRAFT EXCHANGE.—The  
 18                   term ‘dry-lease aircraft exchange’ means an agree-  
 19                   ment, documented by the written program agree-  
 20                   ments, under which the program aircraft are avail-  
 21                   able, on an as needed basis without crew, to each frac-  
 22                   tional owner.

23                   “(d) TERMINATION.—This section shall not apply to  
 24                   liquids used as a fuel in an aircraft after September 30,  
 25                   2013.”.

1           (2) *CONFORMING AMENDMENT.*—*Subsection (e)*  
 2       *of section 4082 is amended by inserting “(other than*  
 3       *an aircraft described in section 4043(a))” after “an*  
 4       *aircraft”.*

5           (3) *TRANSFER OF REVENUES TO AIRPORT AND*  
 6       *AIRWAY TRUST FUND.*—*Subsection (1) of section*  
 7       *9502(b) is amended by redesignating subparagraphs*  
 8       *(B) and (C) as subparagraphs (C) and (D), respec-*  
 9       *tively, and by inserting after subparagraph (A) the*  
 10       *following new subparagraph:*

11                       *“(B) section 4043 (relating to surtax on fuel*  
 12                       *used in aircraft part of a fractional ownership*  
 13                       *program),”.*

14           (4) *CLERICAL AMENDMENT.*—*The table of sec-*  
 15       *tions for subchapter B of chapter 31 is amended by*  
 16       *adding at the end the following new item:*

*“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-*  
                       *gram.”.*

17       (b) *FRACTIONAL OWNERSHIP PROGRAMS TREATED AS*  
 18       *NON-COMMERCIAL AVIATION.*—*Subsection (b) of section*  
 19       *4083 is amended by adding at the end the following new*  
 20       *sentence: “For uses of aircraft before October 1, 2013, such*  
 21       *term shall not include the use of any aircraft which is part*  
 22       *of a fractional ownership aircraft program (as defined by*  
 23       *section 4043(c)).”.*

1       (c) *EXEMPTION FROM TAX ON TRANSPORTATION OF*  
2 *PERSONS.*—Section 4261, as amended by this Act, is  
3 amended by redesignating subsection (j) as subsection (k)  
4 and by inserting after subsection (i) the following new sub-  
5 section:

6       “(j) *EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWN-*  
7 *ERSHIP AIRCRAFT PROGRAMS.*—No tax shall be imposed by  
8 this section or section 4271 on any air transportation pro-  
9 vided before October 1, 2013, by an aircraft which is part  
10 of a fractional ownership aircraft program (as defined by  
11 section 4043(c)).”.

12       (d) *EFFECTIVE DATES.*—

13           (1) *SUBSECTION (a).*—The amendments made by  
14 subsection (a) shall apply to fuel used after March 31,  
15 2011.

16           (2) *SUBSECTION (b).*—The amendment made by  
17 subsection (b) shall apply to uses of aircraft after  
18 March 31, 2011.

19           (3) *SUBSECTION (c).*—The amendments made by  
20 subsection (c) shall apply to taxable transportation  
21 provided after March 31, 2011.



1 **SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET**  
 2 **AIRCRAFT ON NONESTABLISHED LINES.**

3 (a) *IN GENERAL.*—*the first sentence of section 4281*  
 4 *is amended by inserting “or when such aircraft is a turbine*  
 5 *engine powered aircraft” after “an established line”.*

6 (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 7 *section shall apply to taxable transportation provided after*  
 8 *March 31, 2011.*

9 **SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLO-**  
 10 **SURES.**

11 (a) *IN GENERAL.*—*Section 7275 (relating to penalty*  
 12 *for offenses relating to certain airline tickets and adver-*  
 13 *tising) is amended—*

14 (1) *by redesignating subsection (c) as subsection*  
 15 *(d),*

16 (2) *by striking “subsection (a) or (b)” in sub-*  
 17 *section (d), as so redesignated, and inserting “sub-*  
 18 *section (a), (b), or (c)”, and*

19 (3) *by inserting after subsection (b) the following*  
 20 *new subsection:*

21 *“(c) NON-TAX CHARGES.—*

22 *“(1) IN GENERAL.—In the case of transportation*  
 23 *by air for which disclosure on the ticket or adver-*  
 24 *tising for such transportation of the amounts paid for*  
 25 *passenger taxes is required by subsection (a)(2) or*  
 26 *(b)(1)(B), if such amounts are separately disclosed, it*

1        *shall be unlawful for the disclosure of such amounts*  
 2        *to include any amounts not attributable to such taxes.*

3            *“(2) INCLUSION IN TRANSPORTATION COST.—*  
 4        *Nothing in this subsection shall prohibit the inclusion*  
 5        *of amounts not attributable to the taxes imposed by*  
 6        *subsection (a), (b), or (c) of section 4261 in the disclo-*  
 7        *sure of the amount paid for transportation as re-*  
 8        *quired by subsection (a)(1) or (b)(1)(A), or in a sepa-*  
 9        *rate disclosure of amounts not attributable to such*  
 10       *taxes.”.*

11       *(b) EFFECTIVE DATE.—The amendments made by this*  
 12       *section shall apply to taxable transportation provided after*  
 13       *March 31, 2011.*

14       **SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING**  
 15                                **EMERGENCY MEDICAL AIRCRAFT.**

16       *(a) IN GENERAL.—Subsection (e) of section 147 is*  
 17       *amended by adding at the end the following new sentence:*  
 18       *“The preceding sentence shall not apply to any fixed-wing*  
 19       *aircraft equipped for, and exclusively dedicated to pro-*  
 20       *viding, acute care emergency medical services (within the*  
 21       *meaning of 4261(g)(2)).”*

22       *(b) EFFECTIVE DATE.—The amendment made by this*  
 23       *section shall apply to obligations issued after the date of*  
 24       *the enactment of this Act.*

1 **SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST**  
 2 **FUND SOLVENCY.**

3 (a) *IN GENERAL.*—Paragraph (1) of section 9502(d)  
 4 is amended by adding at the end the following new sentence:  
 5 “Unless otherwise provided by this section, for purposes of  
 6 this paragraph for fiscal year 2012 or 2013, the amount  
 7 available for making expenditures for such fiscal year shall  
 8 not exceed 90 percent of the receipts of the Airport and Air-  
 9 way Trust Fund plus interest credited to such Trust Fund  
 10 for such fiscal year as estimated by the Secretary of the  
 11 Treasury.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by this  
 13 section shall apply to fiscal years beginning after September  
 14 30, 2011.

15 **SEC. 810. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE**  
 16 **CARRIER BANKRUPTCY.**

17 (a) *GENERAL RULES.*—

18 (1) *ROLLOVER OF AIRLINE PAYMENT AMOUNT.*—

19 If a qualified airline employee receives any airline  
 20 payment amount and transfers any portion of such  
 21 amount to a traditional IRA within 180 days of re-  
 22 ceipt of such amount (or, if later, within 180 days of  
 23 the date of the enactment of this Act), then such  
 24 amount (to the extent so transferred) shall be treated  
 25 as a rollover contribution described in section 402(c)  
 26 of the Internal Revenue Code of 1986. A qualified air-

1     *line employee making such a transfer may exclude*  
2     *from gross income the amount transferred, in the tax-*  
3     *able year in which the airline payment amount was*  
4     *paid to the qualified airline employee by the commer-*  
5     *cial passenger airline carrier.*

6             (2) *TRANSFER OF AMOUNTS ATTRIBUTABLE TO*  
7     *AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO*  
8     *ROTH IRA.—A qualified airline employee who has*  
9     *contributed an airline payment amount to a Roth*  
10    *IRA that is treated as a qualified rollover contribu-*  
11    *tion pursuant to section 125 of the Worker, Retiree,*  
12    *and Employer Recovery Act of 2008, may transfer to*  
13    *a traditional IRA, in a trustee-to-trustee transfer, all*  
14    *or any part of the contribution (together with any net*  
15    *income allocable to such contribution), and the trans-*  
16    *fer to the traditional IRA will be deemed to have been*  
17    *made at the time of the rollover to the Roth IRA, if*  
18    *such transfer is made within 180 days of the date of*  
19    *the enactment of this Act. A qualified airline em-*  
20    *ployee making such a transfer may exclude from gross*  
21    *income the airline payment amount previously rolled*  
22    *over to the Roth IRA, to the extent an amount attrib-*  
23    *utable to the previous rollover was transferred to a*  
24    *traditional IRA, in the taxable year in which the air-*  
25    *line payment amount was paid to the qualified air-*

line employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) *EXTENSION OF TIME TO FILE CLAIM FOR REFUND.*—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) *TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.*—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) *DEFINITIONS AND SPECIAL RULES.*—For purposes of this section—

(1) *AIRLINE PAYMENT AMOUNT.*—

1           (A) *IN GENERAL.*—*The term “airline pay-*  
2           *ment amount” means any payment of any*  
3           *money or other property which is payable by a*  
4           *commercial passenger airline carrier to a quali-*  
5           *fied airline employee—*

6                     *(i) under the approval of an order of*  
7                     *a Federal bankruptcy court in a case filed*  
8                     *after September 11, 2001, and before Janu-*  
9                     *ary 1, 2007, and*

10                    *(ii) in respect of the qualified airline*  
11                    *employee’s interest in a bankruptcy claim*  
12                    *against the carrier, any note of the carrier*  
13                    *(or amount paid in lieu of a note being*  
14                    *issued), or any other fixed obligation of the*  
15                    *carrier to pay a lump sum amount.*

16           *The amount of such payment shall be determined*  
17           *without regard to any requirement to deduct and*  
18           *withhold tax from such payment under sections*  
19           *3102(a) and 3402(a).*

20           (B) *EXCEPTION.*—*An airline payment*  
21           *amount shall not include any amount payable*  
22           *on the basis of the carrier’s future earnings or*  
23           *profits.*

24           (2) *QUALIFIED AIRLINE EMPLOYEE.*—*The term*  
25           *“qualified airline employee” means an employee or*

1     *former employee of a commercial passenger airline*  
2     *carrier who was a participant in a defined benefit*  
3     *plan maintained by the carrier which—*

4             *(A) is a plan described in section 401(a) of*  
5             *the Internal Revenue Code of 1986 which in-*  
6             *cludes a trust exempt from tax under section*  
7             *501(a) of such Code, and*

8             *(B) was terminated or became subject to the*  
9             *restrictions contained in paragraphs (2) and (3)*  
10            *of section 402(b) of the Pension Protection Act of*  
11            *2006.*

12            *(3) TRADITIONAL IRA.—The term “traditional*  
13            *IRA” means an individual retirement plan (as de-*  
14            *finied in section 7701(a)(37) of the Internal Revenue*  
15            *Code of 1986) which is not a Roth IRA.*

16            *(4) ROTH IRA.—The term “Roth IRA” has the*  
17            *meaning given such term by section 408A(b) of such*  
18            *Code.*

19            *(d) SURVIVING SPOUSE.—If a qualified airline em-*  
20            *ployee died after receiving an airline payment amount, or*  
21            *if an airline payment amount was paid to the surviving*  
22            *spouse of a qualified airline employee in respect of the*  
23            *qualified airline employee, the surviving spouse of the*  
24            *qualified airline employee may take all actions permitted*  
25            *under section 125 of the Worker, Retiree and Employer Re-*

1 *covery Act of 2008, or under this section, to the same extent*  
 2 *that the qualified airline employee could have done had the*  
 3 *qualified airline employee survived.*

4 *(e) EFFECTIVE DATE.—This section shall apply to*  
 5 *transfers made after the date of the enactment of this Act*  
 6 *with respect to airline payment amounts paid before, on,*  
 7 *or after such date.*

8 **SEC. 811. APPLICATION OF LEVY TO PAYMENTS TO FED-**  
 9 **ERAL VENDORS RELATING TO PROPERTY.**

10 *(a) IN GENERAL.—Section 6331(h)(3) of the Internal*  
 11 *Revenue Code of 1986 is amended by striking “goods or*  
 12 *services” and inserting “property, goods, or services”.*

13 *(b) EFFECTIVE DATE.—The amendment made by this*  
 14 *section shall apply to levies issued after the date of the en-*  
 15 *actment of this Act.*

16 **SEC. 812. MODIFICATION OF CONTROL DEFINITION FOR**  
 17 **PURPOSES OF SECTION 249.**

18 *(a) IN GENERAL.—Section 249(a) of the Internal Rev-*  
 19 *enue Code of 1986 is amended by striking “, or a corpora-*  
 20 *tion in control of, or controlled by,” and inserting “, or*  
 21 *a corporation in the same parent-subsiidiary controlled*  
 22 *group (within the meaning of section 1563(a)(1) as”.*

23 *(b) CONFORMING AMENDMENT.—Section 249(b) of the*  
 24 *Internal Revenue Code of 1986 is amended—*



1           (1) by striking “subsection (a)—” and all that  
 2           follows through “The adjusted issue price” and insert-  
 3           ing “subsection (a), the adjusted issue price”, and  
 4           (2) by striking paragraph (2).

5           (c) *EFFECTIVE DATE.*—The amendments made by this  
 6           section shall apply to repurchases after the date of the enact-  
 7           ment of this Act.

## 8   **TITLE IX—BUDGETARY EFFECTS**

### 9   **SEC. 901. BUDGETARY EFFECTS.**

10          The budgetary effects of this Act, for the purpose of  
 11          complying with the Statutory Pay-As-You-Go-Act of 2010,  
 12          shall be determined by reference to the latest statement titled  
 13          “Budgetary Effects of PAYGO Legislation” for this Act,  
 14          submitted for printing in the Congressional Record by the  
 15          Chairman of the Senate Budget Committee, provided that  
 16          such statement has been submitted prior to the vote on pas-  
 17          sage.

## 18   **TITLE X—RESCISSION OF UN-** 19       **USED TRANSPORTATION EAR-** 20       **MARKS AND GENERAL RE-** 21       **PORTING REQUIREMENT**

### 22   **SEC. 1001. DEFINITION.**

23          In this title, the term “earmark” means the following:

1           (1) *A congressionally directed spending item, as*  
2           *defined in Rule XLIV of the Standing Rules of the*  
3           *Senate.*

4           (2) *A congressional earmark, as defined for pur-*  
5           *poses of Rule XXI of the Rules of the House of Rep-*  
6           *resentatives.*

7   **SEC. 1002. RESCISSION.**

8           *Any earmark of funds provided for the Department of*  
9           *Transportation with more than 90 percent of the appro-*  
10          *priated amount remaining available for obligation at the*  
11          *end of the 9th fiscal year following the fiscal year in which*  
12          *the earmark was made available is rescinded effective at*  
13          *the end of that 9th fiscal year, except that the Secretary*  
14          *of Transportation may delay any such rescission if the Sec-*  
15          *retary determines that an additional obligation of the ear-*  
16          *mark is likely to occur during the following 12-month pe-*  
17          *riod.*

18   **SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.**

19          (a) *AGENCY IDENTIFICATION.*—*Each Federal agency*  
20          *shall identify and report every project that is an earmark*  
21          *with an unobligated balance at the end of each fiscal year*  
22          *to the Director of OMB.*

23          (b) *ANNUAL REPORT.*—*The Director of OMB shall sub-*  
24          *mit to Congress and publically post on the website of OMB*  
25          *an annual report that includes—*

(1) *a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;*

(2) *the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and*

(3) *a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.*

## **TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS**

### **SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

(a) *IN GENERAL.*—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

### **(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—**

(1) *IN GENERAL.*—Notwithstanding any other provision of law, of all available unobligated funds,

1       \$44,000,000,000 in appropriated discretionary funds  
2       are hereby rescinded.

3           (2) *IMPLEMENTATION.*—The Director of the Of-  
4       fice of Management and Budget shall determine and  
5       identify from which appropriation accounts the re-  
6       scission under paragraph (1) shall apply and the  
7       amount of such rescission that shall apply to each  
8       such account. Not later than 60 days after the date  
9       of the enactment of this Act, the Director of the Office  
10      of Management and Budget shall submit a report to  
11      the Secretary of the Treasury and Congress of the ac-  
12      counts and amounts determined and identified for re-  
13      scission under the preceding sentence.

14          (3) *EXCEPTION.*—This subsection shall not apply  
15      to the unobligated funds of the Department of Defense,  
16      the Department of Veterans Affairs, or the Social Se-  
17      curity Administration.

1 **TITLE XII—EMERGENCY MED-**  
2 **ICAL SERVICE PROVIDERS**  
3 **PROTECTION AND LIABILITY**  
4 **PROTECTION FOR CERTAIN**  
5 **VOLUNTEER PILOTS**

6 **SUBTITLE A—EMERGENCY MEDICAL SERVICE**  
7 **PROVIDERS PROTECTION**

8 **SEC. 1201. DALE LONG EMERGENCY MEDICAL SERVICE PRO-**  
9 **VIDERS PROTECTION ACT.**

10 (a) *SHORT TITLE.*—This subtitle may be cited as the  
11 “Dale Long Emergency Medical Service Providers Protec-  
12 tion Act”.

13 (b) *ELIGIBILITY.*—Section 1204 of title I of the Omni-  
14 bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
15 3796b) is amended—

16 (1) in paragraph (7), by striking “public em-  
17 ployee member of a rescue squad or ambulance crew;”  
18 and inserting “employee or volunteer member of a  
19 rescue squad or ambulance crew (including a ground  
20 or air ambulance service) that—

21 “(A) is a public agency; or

22 “(B) is (or is a part of) a nonprofit entity  
23 serving the public that—

1                   “(i) is officially authorized or licensed  
2                   to engage in rescue activity or to provide  
3                   emergency medical services; and

4                   “(ii) is officially designated as a pre-  
5                   hospital emergency medical response agen-  
6                   cy;”; and

7                   (2) in paragraph (9)—

8                   (A) in subparagraph (A), by striking “as a  
9                   chaplain” and all that follows through the semi-  
10                  colon, and inserting “or as a chaplain;”;

11                  (B) in subparagraph (B)(ii), by striking  
12                  “or” after the semicolon;

13                  (C) in subparagraph (C)(ii), by striking the  
14                  period and inserting “; or”; and

15                  (D) by adding at the end the following:

16                  “(D) a member of a rescue squad or ambu-  
17                  lance crew who, as authorized or licensed by law  
18                  and by the applicable agency or entity (and as  
19                  designated by such agency or entity), is engaging  
20                  in rescue activity or in the provision of emer-  
21                  gency medical services.”.

22                  (c) *OFFSET*.—Of the unobligated balances available  
23                  under the Department of Justice Assets Forfeiture Fund,  
24                  \$13,000,000 are permanently cancelled.

1       (d) *EFFECTIVE DATE.*—*The amendments made by*  
2 *subsection (b) shall apply only to injuries sustained on or*  
3 *after June 1, 2009.*

4       ***SUBTITLE B—LIABILITY PROTECTION***

5       ***SEC. 1211. SHORT TITLE.***

6       *This subtitle may be cited as the “Volunteer Pilot Pro-*  
7 *tection Act of 2011”.*

8       ***SEC. 1212. FINDINGS AND PURPOSE.***

9       (a) *FINDINGS.*—*Congress finds the following:*

10           (1) *Many volunteer pilots fly for public benefit*  
11 *and provide valuable services to communities and in-*  
12 *dividuals.*

13           (2) *In calendar year 2006, volunteer pilots pro-*  
14 *vided long-distance, no-cost transportation for more*  
15 *than 58,000 people during times of special need.*

16       (b) *PURPOSE.*—*The purpose of this title is to promote*  
17 *the activities of volunteer pilots that fly for public benefit*  
18 *and to sustain the availability of the services that such vol-*  
19 *unteers provide, including the following:*

20           (1) *Transportation at no cost to financially*  
21 *needy medical patients for medical treatment, evalua-*  
22 *tion, and diagnosis.*

23           (2) *Flights for humanitarian and charitable*  
24 *purposes.*

25           (3) *Other flights of compassion.*

1 **SEC. 1213. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**  
2 **THAT FLY FOR PUBLIC BENEFIT.**

3 *Section 4 of the Volunteer Protection Act of 1997 (42*  
4 *U.S.C. 14503) is amended in subsection (a)(4)—*

5 *(1) by redesignating subparagraphs (A) and (B)*  
6 *as clauses (i) and (ii), respectively;*

7 *(2) by striking “the harm” and inserting “(A)*  
8 *except in the case of subparagraph (B), the harm”;*

9 *(3) in subparagraph (A)(ii), as redesignated by*  
10 *this paragraph, by striking the period at the end and*  
11 *inserting “; and”; and*

12 *(4) by adding at the end the following:*

13 *“(B) the volunteer—*

14 *“(i) was operating an aircraft to promote*  
15 *the activities of volunteer pilots that fly for pub-*  
16 *lic benefit and to sustain the availability of the*  
17 *services that such volunteers provide, including*  
18 *transportation at no cost to financially needy*  
19 *medical patients for medical treatment, evalua-*  
20 *tion, and diagnosis, and for humanitarian and*  
21 *charitable purposes; and*



- 1                   “(ii) was properly licensed and insured for
- 2                   the operation of such aircraft.”.

Attest:

*Secretary.*



112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 658**

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**AMENDMENT**